

# PRISON FOCUS

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Serving The Interests Of Prisoners And Their Loved Ones On The Outside For Over Twenty Years

## THE PATHOLOGY OF PATRIARCHY: A SEARCH FOR CLUES AT THE SCENE OF THE CRIME

By Sanyika Shakur

“The great divide between humans and animals provided a standard by which to judge other people, both at home and elsewhere. If the essence of humanity was defined as consisting of a specific quality or set of qualities, such as reason, intelligible language, religion, culture, or manners, it followed that anyone who did not fully possess those qualities was “subhuman.” Those judged less than human were seen either as useful beasts to be curbed, domesticated, and kept docile, or as predators or vermin to be eliminated.” (1)

What We are going to do here is direct your attention to the pathology of oppression, but not simply as you are used to reading about it. The obvious points of contention will inevitably be touched on as they relate to attendant ills. To the subject at hand, however, We will try to keep our focus - and your attention - trained on the issue in play! Please bear with us as We move along to connect the dots. We want to talk about homophobia – the fear and oppression of gays, lesbians, bisexuals and transgender people. And We want to discuss this because as revolutionaries it is our duty to deal with all socio-economic and political phenomena that engage our reality (past, present and future). The obligation of the revolutionary is to make the revolution. That is to change oneself, encourage the people to change and then change the current system that oppresses. Of course, it would be ideal if, in 2012, We didn’t have to even deal with this matter. We wish that these issues had been resolved during the last hightide of consciousness. But sadly, that was not the case - and so here We are. No matter, the sooner begun, the sooner done, no? Right on!

We are learning as We go to recognize, overstand, isolate and deal with maladies as they arise, but have just begun to tie all these into the oppressive matrix of patriarchy as the origin of major ism’s that crush, kill, disrupt and destroy – as they oppress and exploit. It’s unfortunate, but We’re having to sometimes start from scratch every 30 or 40 years because We lack a continuity of consciousness in our struggle against capitalist – imperialism. And while issues of sexism have been dealt with in large part by women, it’s necessary We think to broaden the scope of the discussion of sexism to include homophobia and heterosexism. We are not in any way claiming to be experts on this issue. We are studying and struggling around the same things that most revolutionaries are – which is to say, We are looking for clues at the scene of the crime. Trying to connect the dots as they relate to individual, national and global oppression. We are, in essence, looking for ways to get free and stay free. Free, that is from all forms of oppression.

Here’s the thing, really, if people are being oppressed because of who they naturally are (and We know this to be true), which may not fit into a patriarchal gender box, then this is due to a “sex” (or gender) issue. So We feel this still covers sexism. In other words, that patriarchy (male dominated systems of oppression) create categories for people to fit into in order to exploit and oppress. Therefore, so-called genders then become classes. A class of men, the dominant – masculine, violent, god, father, king president, boss, etc. – and a class of women, the dominated – feminine, passive, holy ghost, homemaker, whore, etc. Oppression by “sex” is the oldest form of oppression on the planet. Older than institutionalized theocracies like Judaism, Christianity and Islam. Theocratic regimes institutionalized male dominant systems of oppression thru laws, state bureaucracies and social relations. In fact, men deal with women and children as they did livestock.

“Nowhere is patriarchy’s iron fist as naked as in the oppression of animals, which serves as the model and training ground for all other forms of oppression.” (2)

### Pathological Progression of Patriarchy

Why is it necessary to speak about patriarchy if We are discussing homophobia? And, why begin with the oppression of women and children if this is about oppression of gender outlaws? Well, what We have to do is a bit of excavating –

some radical anthropology, if you will, because the fact of the matter is, We know that things don’t fall from the sky or magically appear out of thin air. We are looking for connections, contradictions and from these We’ll be rewarded with the truth of origins and the internal dynamics in the life process of the thing. The “thing” in this particular study is oppression as manifested thru the system of patriarchy – which We contend is the origin of a vast array of other forms of oppression. Which is precisely why We brought in the domestication of animals. We are learning that the same techniques used to domesticate animals were also used in the colonization of women and children and eventually every culture they encountered. Breeding, birth control, castration, segregation, exploitation and mass murder were methods learned first on animals and then on humans. And there was always a symbiotic relationship of know-how used between the two areas of domestication of animals, including their mass killing for capitalist markets and the mass production of commodities, such as cars, in the development of capitalist industry: “In his autobiography *My Life and Work* (1922) Henry Ford revealed that his inspiration for assembly line production came from a visit he made as a young man to a Chicago slaughterhouse. ‘I believe that this was the first moving line ever installed,’ he wrote, ‘The idea [of the assembly line] came in a general way from the overhead trolley that the Chicago packers use in dressing beef.’” (3)

like when Conquistadors pushed up in the Inca Empire, or the English vamped on India. The domination was obvious. But then came the missionaries, the laws, the state – the colonial culture. These caused the second, corresponding aspect, of patriarchy: Dependency. The colonized were made to feel that they’d been chosen as subjects for a great, all encompassing “civilizational” leap forward. That the invaders were sent by the “Great Father” in the sky, who’d sent word to the King, who in turn instructed the invaders to save the heathens from their wretched selves! Bring them into the modern world – by dint of canon and bayonet if necessary:

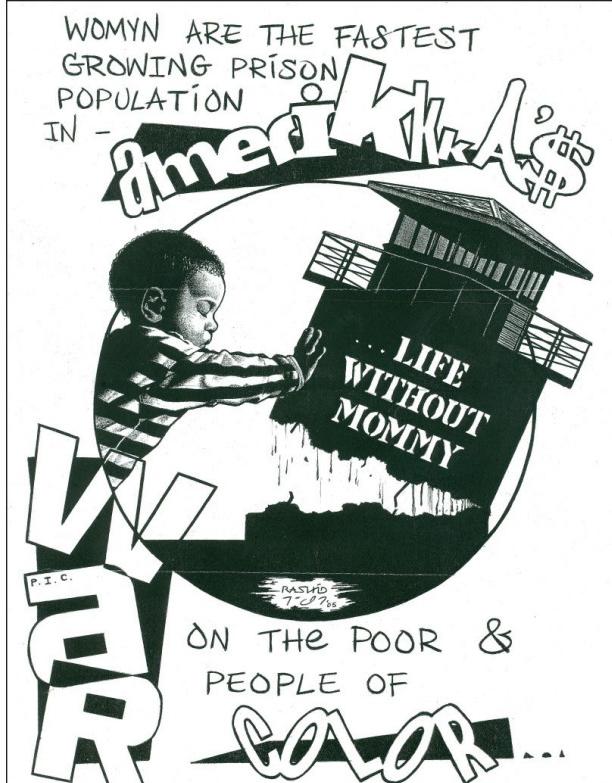
“Aristotle maintained that man’s domination over animals extended to slaves and women as well, another view that mirrored the political reality of the day, since human slavery and subordination of women were the norm in Ancient Greece. In his *Politics*, Aristotle wrote that such ‘uncivilized’ people as the neighboring Achaeans and Thracians ‘are slaves by nature, as the body is to the soul, or as beasts are to men.’ Aristotle believed it was as permissible to enslave people who did not possess ‘reason’ as it was to enslave the common, and for the most part live at random.” (4)

### Legitimized thru Longevity

The same patriarchy which first oppressed women, (after having perfected the methods on animals) as “inferiors”, went on to evolve into the judeo-christian and Islamic institutions or theology that have scorched the planet today. This is why in every major religion god is a he or him – Father, i.e. male (according to “gender”). The last messenger, prophet, offspring and the last one god supposedly spoke to – yep, you guessed it, men. Coincidence? Natural? Not a chance. To make matters worse, as if patriarchy could even be content with one form of oppression, Euro-Supermacists went a step further than some unseen spirit in the sky—they painted a picture of their godfather’s son in their image. They in effect became the prototype of the son of god image and thus in the direct lineage from god himself. Plato, Aristotle’s teacher created the idea of the Great Chain of Being this formalized the belief of the Greeks that they ranked higher than non-Greeks, women, slaves and of course animals.

“Medieval Christendom translated Plato’s image into a ladder which had God at the top and European Christian on the highest rung, a position that granted them a divine mandate as God’s overseers and stewards to rule over the rest of the ladder below. The idea that European man, flawed and sinful though he might be, occupied a position on earth comparable to God’s position in the universe became a central idea in the religious and philosophical thought of Western civilization regarding man’s place in nature. Thus Europeanism had virtually unlimited authority to rule the natural world as ‘the vice regent and deputy or almighty God.’” (5)

And because of this “virtual unlimited authority” there’s a very dark, wretchedly oppressed and colonized Indian women in Bombay with a picture of a prototypical European man on her wall who she believes is the son of god – her Lord and Savior – who died for her sins. And yet although he died for her “sins”, she is still paying a perpetual debt she never owed. And this scene is replicated a million times over across the planet in homes, hovels, huts, churches and prisons – in every colony. The theocracies are heavily invested in the business of patriarchy – in domestication and colonization. And the colonial subjects respond with fealty and dependency. Women tell their sons to “be the man of the house.” Men tell their wives to “stay in a woman’s place”. Men who show emotions are said to be “acting like little girls.” Women who exert themselves as humans are called “dykes and bulldaggers or butch.” Violence is masculinized and passivity is feminized. This is so because patriarchy has created two exclusive genders. Two neat little boxes to insert all of humanity. And this has been legitimized by theocracy and capitalism thru longevity and a corresponding dependency by the masses on a grand distortion of nature



Capitalism came out of patriarchy, but We know that it is not exclusive to capitalism. It was a good ol’ boy network before capitalism is recognized to have created modern classes. It was the same good ol’ boy network under soviet so-called “socialism” and it was a good ol’ boy network in the civil rights movement and to a large degree, in the Black Liberation Movement. Patriarchy positions itself above all as the reason, the answer and the solution – all to the detriment of women and children, but that’s not all. Patriarchy is a pervasive system of oppression that reaches far and wide into the minds and actions of all. It produces sexism, of course, but more insidiously it relies upon its victims to perpetuate and promote it. Again, there’s no magic involved here. These things are knowable – and it follows that if We can identify, expose and challenge these things We can defeat them. Or, be defeated. And, should We do nothing, this will most certainly insure that things get worse.

Often times We miss the boat on overstanding the subtle ways We go about reinforcing patriarchal relationships in our daily lives. See, because domination is but one aspect of patriarchy. That’s just the obvious aspect of it. You know,

Patriarchy.....Continued on page 4

## CREATING BROKEN MEN 2

### A Discussion on CDCR's New Brainwashing Mandate for SHU Torture Units

By the N.C.T.T. COR-SHU [NCTT stands for NARN (New Afrikan Revolutionary Nation) Collective Think Tank.]

"I would like you to think of brainwashing, not in terms of politics, ethics and morals, but in terms of the deliberate changing of human behavior and attitudes by a group of men who have relatively complete control over the environment in which the captive populace lives."

—Dr. Edgar Schein to U.S. wardens and social scientists, 1962

Greetings, Brothers and Sisters. We've had an opportunity to review the over 100 pages which constitute CDCR's STG Pilot Program, and felt compelled to discuss provisions of § 700.2 (the Step Down Program) in the wake of our last discussion on "Creating Broken Men."

There should be no doubt indefinite solitary confinement is torture. Yet in § 700.2, the CDCR has devised an insidious program whereby they can leverage this torture to coerce validated SHU prisoners to submit to brainwashing in lieu of debriefing; the end result being qualitatively no different: the production of a docile, submissive, quasi-informant population who reproduces in themselves the values of the same authoritarian order responsible for mass incarceration and the domestic torture program. In other words, "broken men" will be created by a new process.

In § 700.2 of the STG Pilot Program, CDCR outlines, beginning in step 3, a requirement that prisoners complete "12 months of journals... that lead to responsible thinking and behavior." This behavior modification program (and that's exactly what it is) is preparatory, designed to condition the minds of the targeted population to accept cognitive restructuring. This intent is clear in the themes of the journal. For example, "*Values*" guides prisoners through an evaluation of the criminal values that have influenced their lives and help them weigh the consequences of living a life based on criminal values versus responsible values." This presupposes everyone currently confined to these torture units holds true to "criminal values." An absurd notion. The overwhelming majority of validated SHU prisoners have committed no criminal act(s) or rules violation(s) (a natural outgrowth of so-called "criminal values") to be confined to SHU by CDCR's own admission. Many are in SHU on purely ideological grounds: for holding revolutionary attitudes or socialist values which oppose authoritarian social control and exploitation of the underclass.

This begs the question, What are "criminal values" and who defines "responsible values"? Surely it's "criminal" to hold a population captive under conditions of indefinite torture unless they become informants or submit to having their "values" modified. Are we to assume an entrenched industrial interest that has intentionally manufactured the legislative and physical conditions (in prisons) to perpetuate mass incarceration to establish their own labor aristocracy, while presiding over the largest domestic torture program on the planet, are now going to be the instiller of "responsible values"? The answer is: No, of course not! The *Self-Directed (S-D) Journals* component of the SDP is replete with other Orwellian themes like "thinking errors," "social values," "responsible thinking/healthy personality," and "peer relationships." These themes constitute classic "character invalidation," an essential Schein model brainwashing technique employed to induce guilt, self-loathing, anxiety, irrational fear and suggestibility, while simultaneously providing social and emotional supports which reinforce the new subservience/docility.

This is in fact an improvement on the original Schein behavior modification model outlined in his paper, "Man Against Man: Brainwashing," the basis for previous SHU best practice. Up to now, torture unit administrators, IGI, and OCS have relied on staff and their specialized SHU training to observe prisoners' behavior patterns, record them in the "daily activity log" and utilize this data to calculate a prisoner's sensitivity to pressure, or vulnerability to the same, with a degree of precision. This is one way the IGI is able to anticipate and target specific SHU torture victims who are prepared to—or on the verge of—debriefing. They now intend to use the prisoners themselves to provide additional input data to facilitate and reinforce their own brainwashing.

Section 700.2 states, "Personal reinforcement check sheets ... will be used by the inmate to monitor weekly/monthly program participation and progress. In addition, Individual Change Plans will be initially completed by the inmate after 6 months in the SDP.... These documents will be submitted to the Correctional Counselor II and may be used ... in determining an inmate's movement between steps." You are not only expected to submit to brainwashing in order to escape indefinite torture, but *you must actively participate in your own cognitive restructuring or be trapped indefinitely in the torture unit's "steps."* This is "Skinnerian operant conditioning," the rewarding of submission to the character restructuring encompassing the brainwashing objectives by easing the pressure on the subject in this by moving them along to

the next "step." But in truth, this is no "reward" at all. As previously stated, the S-D Journals are only preparing the subjects' minds for complete restructuring, while weakening (or removing completely) any psychological resistance to the more intense behavior modification techniques to come.

These are introduced in step 4, and as if aware of the pliancy (in this context, easily influenced) and desperation of those prisoners willing to submit to these techniques, the state makes no attempt to conceal their intent. The text states clearly, "Step 4 will include an integrated, cognitive behavior change program that will include cognitive restructuring..." For those of you not familiar with this language, this means brainwashing. The exact nature and composition of the step 4 "cognitive restructuring program" has been intentionally left vague and ambiguous. It is designed for "small groups" of subjects, and will no doubt be a modification of techniques already tested in other SuperMax torture units which include Synanon attack therapy (a form of character invalidation for a group setting), transactional analysis, and encounter group sensitivity sessions.

This progressive step-based approach ensures maximum control for therapeutic administrators to prevent subjects having contact with anyone not sympathetic to the reconditioning methodology, disorganizing group standards among prisoners which are not pro-conformist, all within the confines of an environment that is prohibitive/restrictive towards any activities or ideas which are not supportive of the brainwashing objectives. In the end, the conditioned subject is psychologically no different than the debriefer: a broken man/woman.

What must be understood is participation in such a system of behavior modification on any level exposes any mind to the prospect of restructuring, primarily because most of these techniques target the subconscious mind. We do not want to get overly technical, but we believe it is important and we will simplify it as briefly as possible with a single example. The conscious mind makes judgments on what is real and correct or illusory and incorrect. But the subconscious mind accepts all information introduced into it as fact. The conscious mind, unfortunately, only functions when you are "conscious" of a thing or are aware; the unconscious mind *always* functions—it never sleeps. The conscious mind is simply "the computer;" the unconscious mind is "the computer programmer." If one can bypass or circumvent the conscious mind and go directly to the subconscious, the conscious mind can be made to believe whatever has been introduced into the subconscious. For example, recall our explanation that the self-directed journal models in step 3 require you to complete a theme on "values" which presupposes you function from "criminal values" and need to [acquire] "responsible values." Your conscious mind, of course, would disagree that your values are "criminal." However, by participating in this exercise, you expose your mind to contextual adaptation to carry out the exercise ("contextual" referring to a set of circumstances or facts that surround a particular event, situation, etc.). Your subconscious mind will not make any distinction in the validity of the presupposition, only that some of your values may contradict those defined as "responsible" and thus by relational context, must be "criminal." The thought divergence (separation) will manifest itself subconsciously as "character invalidation," though you'll not note this consciously.

It will manifest itself in contradictions in your thinking, speech, and conduct too subtle for you to note overtly until the thought divergence progresses. Yes, they are truly insidious. The only sure method of resistance (outside of counter-conditioning techniques) is not to expose yourself to brainwashing therapy in the first place. But some will, and some of those who do will become tools of the state, entering the general population or their communities and reproducing these attitudes in others. From the perspective of the state, if some of these have influence, all the better for the prison industry. It's the reason these techniques were included as mandatory aspects of the pilot program. Following the hunger strikes, CDCR did not see victimized prisoners united to end their collective torture, but instead an opportunity to transform the most advanced and influential into broken men and creators of the same; an environment where the orderly extraction of taxpayer dollars in proportion to prisoner commodities is inflated by SHU confinement but uninterrupted by pesky concerns like human rights, international law, or the Constitution. That they will fail is not of import—that they are trying this *is*.

Which leads us to the core of the matter. There exists no moral or legal basis for compulsory brainwashing in civilized society. With all of the self-inflicted behavior modification in the capitalist consumer culture from Weight Watchers to anti-smoking products like Nicoderm, US society has become acclimated to being brainwashed, to say nothing of social automation. But camouflaging Dr. Schein's abhorrent techniques under misleading language that not only conceals its meaning and intent from prisoners, but the public as well, does not make them any less illegal. The very assertion by the state that one's political ideology and cultural values are

"criminal," or are somehow a legitimate pretext for indefinite solitary confinement torture, violates the First Amendment, just as holding the *threat* of indefinite SHU torture over a prisoner's head unless they become an informant violates the Eighth Amendment. But coercing a population into submitting to a brainwashing program that most don't even understand, and passing it off as a "social good," is not simply illegal, it's *evil*. These provisions laid out in § 700.2 not only violate the First and Eighth Amendments, but also the UN Convention Against Torture, the UN Standard Minimum Rules for Treatment of Prisoners, and most disturbing of all, the Nuremberg Code.

The first principle of the Nuremberg Code states: "Voluntary consent of the human subject is absolutely essential. This means that the person involved should have legal capacity to give consent; ... able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of ... the subject matter involved ... to make an understanding and enlightened decision...." (In this instance, indeterminate SHUs, indeed SHUs themselves, are torture units.)

CDCR has made it clear that no one is going to escape these torture units unless they submit to the techniques. Their new mantra is thus, "Parole, debrief, submit to brainwashing, or die." Most prisoners, and for that matter most citizens in the US, have little to no understanding of the Schein, Levinson, Skinnerian cognitive restructuring model, or its intent. This should outrage us all.

The best, the clearest proof of the CDCR's intention can be found by reviewing a document issued by the CDCR entitled, "Security Threat Group Pilot Program Information." [This is a pamphlet that was handed out to some or all SHU prisoners. —Ed.] Page 4 of this document states, under "Reporting STG Involvement," in the first paragraph, "You have the responsibility to report STG or criminal activity when known or observed by you." It goes on to state that this process is not intended to compromise your safety, but to enhance your safety through the identification and removal of those involved in STG or criminal activity." Of course, you would have to be brainwashed/broken to believe and subordinate yourself to this. If it was true that snitching does not compromise the informant's safety, it would not be necessary to separate (known) informants from the non-SNY/PC general population. Once a person debriefs, that person is automatically assigned to SNY.

It has been demonstrated time and time again that the abuse of your tax dollars by the CDCR is based upon the lawlessness of the CDCR. A lawlessness that includes a complete disregard for those of us housed in these madhouses. And in particular for those who would dare oppose the disrespecting of our humanity. The humanity of us all.

The Agreement to End Hostilities by the Pelican Bay representatives is a crucial step in our reclaiming our humanity and creating opportunities to put an end to the efforts to destroy us all. We must take advantage of this opportunity to demonstrate to the world that we are willing and capable of being the history makers that this opportunity now provides us all.

That the state has actually created a whole new bureaucracy to manage this brainwashing program within an already existing domestic torture program designed to grow under this policy should compel us *all* to act, as this new bureaucracy will be funded by your tax dollars. Are we as a society going to stand idly by and listen to our politicians stride the world stage criticizing other nations for human rights abuses while this Orwellian, pseudo-scientific torture initiative is carried out in your name within your national borders?

We need each other if we are to be free. We can all reclaim our humanity by demanding that the humanity of all be respected. Let us reclaim it together.

*Love and struggle, N.C.T.T. COR-SHU,*

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## EDITOR

Ed Mead

## ARTWORK

Kevin "Rashid" Johnson, Fernando Bermúdez, Michael Russell, and Chris Garcia. There is also an item of art on the top right of page 11 that was sent to Rock without providing the artist's name.

## SPECIAL THANKS

If there are to be more issues published there will need to be more people contributing to the cost of production. Thanks to all of those who have contributed to making this issue possible.

Lastly, many thanks to Leslie DiBenedetto, our former coeditor, who, along with Marilyn McMahon and Ron Ahnen helped with the difficult task of editing/proofing this issue. If there are errors in this edition it is only because I have occasionally ignored their good advice.

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## NOTICE!

For ease and efficiency, please follow these guidelines when writing to CPF:

- Write your complete name, address, prison number and date on the letter.
- Print legibly and be brief.
- Indicate on the envelope who the letter is for (i.e., Newsletter, etc.).
- Write and underline if an action is requested (Although this does not guarantee a response).
- Do not send unsolicited legal or medical documents.
- Enclosing a SASE will increase the likelihood of getting an answer.

# CONTENTS

## IN THIS ISSUE

|   |    |
|---|----|
| The Pathology of Patriarchy.....                              | 1  |
| Creating Broken Men.....                                      | 2  |
| Table of Contents Page.....                                   | 3  |
| Court of Appeals Affirms No Race-Based Lock-downs.....        | 5  |
| Venezuela Prison Riot.....                                    | 5  |
| The Shameful Index of Prison Rape .....                       | 5  |
| CDCR's Broken Agreements.....                                 | 7  |
| Open Letter to Governor Brown & CDCR Boss Jeffrey Beard.....  | 8  |
| Open Letter to California State Legislature.....              | 10 |
| Private Prisons are Slave Traders .....                       | 11 |
| Prison Industries in U.S., A New Form of Slavery.....         | 11 |
| Don't Build More Jails - Fix Inmate Recidivism.....           | 12 |
| What it Means - What it Doesn't .....                         | 12 |
| Former Tamms Prisoners Take Action .....                      | 12 |
| Rallying to End Women's Prison Crisis.....                    | 15 |
| From a Woman in CIW, Corona, SHU .....                        | 15 |
| From Chowchilla .....   | 15 |
| Out of Control (Book on the Struggle Against Isolation) ..... | 15 |

## DEPARTMENTS

|                           |    |
|---------------------------|----|
| Pelican Bay Report .....  | 6  |
| The Corcoran Report ..... | 14 |

## REGULAR FEATURES

|                    |    |
|--------------------|----|
| Letters .....      | 2  |
| Quote Box .....    | 13 |
| Ed's Comments..... | 13 |

## Message from the President

**D**uring the past year, CPF has experienced tremendous energy and terrific collaboration with prisoners and other activist organizations. We have continued our struggle to end indefinite and long term solitary confinement in our state, and our efforts are bearing some fruit.

Recently, some individuals who have been housed in solitary confinement at Pelican Bay for decades have been reportedly slated for removal from SHU. According to reporter California Michael Montgomery, this move is a reaction to the lawsuit filed by the Center for Constitutional Rights, California Prison Focus, and other prison activist organizations that claims that long term solitary confinement constitutes cruel and unusual punishment. CDCR has now filed a motion to dismiss the lawsuit. Clearly they are trying to make us go away. They are trying to move some individuals out of SHU not because they believe they've done the wrong thing, but because they want to SAVE the possibility of being able to validate anyone and throw them in solitary indefinitely.

The new gang management policy known as the "Security Threat Group" management policy has now become a two year pilot program. CDCR implemented the program administratively, thus avoiding the mandatory public comment period which would have invited widespread criticism. And while the new policy is not good enough, it does include some new elements that could eventually lead to a reasonably acceptable policy.

In losing the lawsuits over medical care and prison overpopulation, CDCR is clearly on the defensive, and we have to keep them there. The issues driving the hunger strike that began in July of 2011 are not resolved. The issues will only be resolved when the five core demands of the prisoners are met. To reiterate, the most important of these demands are all in line with the recommendations of the 2006 bipartisan Commission on Safety and Abuse in Prisons. Prisoners, family members, friends, activists, and church leaders must remain united to see to it that these demands are met.

CDCR has demonstrated that it will only be moved by the courts and significant political pressure. Yet even recently Jerry Brown is asking for the federal court to vacate its order to reduce the prison population to 137.5% of capacity. We cannot let that happen.

Two years ago, prison activists came together to support the prisoners in their demands as they went on an indefinite hunger strike. Another peaceful protest action is probably coming soon unless CDCR takes specific steps to implement reasonable policy changes. The difference this time around is that we prison activists are much more organized on the outside, and the prisoners are much more conscious of their ability to act in unison on the inside. Probably the number one message I hear from prisoners is that only through unity will the prisoners achieve their goals for minimally humane conditions in our prisons.

Thus, we continue to struggle to move the giant beast known as CDCR. I believe that CDCR will cede no inch that it is not forced to, but I equally believe that we can continue to force them to change through peaceful political and legal means. I also believe our chances of success are greater this time given our experience of the past two years—both inside the prison and out—and greater public awareness of just how horrendous our prison conditions are. Together, all prisoners, activists, and citizens can and will make a difference.

*Ron Ahnen, President, CPF, February 2013*

## CALL FOR ARTWORK:

The Prisoner Hunger Strike Solidarity coalition needs your artwork for an upcoming art show! The artwork will be showcased at a public sale as part of our fund raising efforts to end long-term solitary confinement. We are looking for a wide range of subjects, styles, and sizes -- from scenes that reflect life in prison to more uplifting and inspiring pieces. We prefer originals but will accept prints. Because the purpose is to raise funds, we ask that all artwork be donated. We will be unable to return originals. Feel free to send a short bio and we will include it alongside your artwork! If you would like to remain anonymous, please let us know. Mail submissions to: Legal Services for Prisoners with Children, Carol Strickman, Attorney at Law, ATTN: Azadeh Zohrabi, 1540 Market Street, Suite 490, San Francisco, CA 94102

**Prison Focus....  
Working to Extend  
Democracy to All**

itself. The longevity We speak of here has to do with people divesting themselves of the responsibility of social investigation. Of simply allowing abnormalities to persist without challenge because “it’s always been this way” or “that’s just the way it is”. No, that’s not just the way it is – it’s the way it’s been made. It hasn’t fallen from the sky, or been miraculously blinked into existence. This oppression is man-made (literally) – it serves someone’s interest. The people relinquish their power to oppression when they default on social investigation of curious and questionable systems. Patriarchy and its attendant ills slither on uninterrupted:

“Patriarchy is a form of social organization that produces what we commonly recognize as sexism. But it goes well beyond individual or systemic prejudice against women. It is, first of all, the false division of all people into two rigid categories (male and female) that are asserted to be natural and moral. Patriarchy attempts to destroy, socially or even physically, anyone who does not fit into one of these categories or who rejects this “gender binary”. Patriarchy goes on to define clear roles (economic, social, emotional, political) for men and women, and it asserts (falsely) that these roles are natural and moral. Under patriarchy, people who do not fit into or who reject these gender roles are neutralized with violence and ostracism. They are made to see and feel ugly, dirty, scary, contemptible, worthless. Patriarchy is harmful to everybody, and it is reproduced by everyone who lives with it.” (6)

### Weaponized Patriarchy

In addition to patriarchy going on to “define clear roles for men and woman,” it also set in motion the ill definition of races. In creating itself first as a class of men, to domesticate and rule over animals, women and children, it was a logical progression of patriarchy to define all humans as being of different “races”. For a plurality of races made it that much easier to justify, implement and sustain Plato’s earlier design of the Great Chain of Being. Because patriarchy is necessarily hierarchical, it was but a short trip to the lunatic fringe of racism, though actually it was really euro-supremacy. To call it “racism” would, in essence, subtly reinforce the false social construct of a plurality of races on the planet. When, of course, this is not true. So, We’ll call it what it is – euro-supremacy. Euro-supremacy is also euro-centricity. Though, just as patriarchy is not exclusively a capitalist thing, nor is it exclusively a European thing. It’s a man thing. It is highly contagious and must be combated constantly. It fastens a sense of entitlement that lends itself to taking liberties with other people’s lives and existence based solely on what is perceived to be “difference”. We focus our attention on euro-supremacy as an attendant ill/side effect of patriarchy because it was them (English, French, Spaniards, Portuguese, Dutch, Belgians, etc.) who weaponized paternal relations in myriad conquests across the globe. It was the British Empire upon whom it was said “the sun never set”. In other words, its domination was global. And it is a fact that 99% of the borders between countries, nations and states were drawn by European colonialism.

What made euro-patriarchy weaponized, aside from the obvious, was that it created not only races of others, but made itself a race – a “white race” sitting atop the global food chain – the Great Chain of Being – doing their Fathers’ work on earth. “Whites” polar opposite became, of course, the “blacks.” Afrikans were made into the “black race”. Asians became “yellow” and North American indigenous nations became “red”. Having already had a few centuries of practice domesticating animals, women and children in Europe, it was but a small tactical adjustment to train their cutlasses, ropes and cannons onto the “colored” people they encountered. The pivot was such that it needed only to hoist the same inferior attributes it used against its own people onto the indigenous cultures it smothered. Everyone was demonized and maligned as “subhuman”, “animalistic”, “heathen” and in need of either elimination, colonization or paternalism. Genocide, oppression or protection (dependency). In any event all encountered cultures had to come under the influence of euro-centric patriarchy. Which is to say the culture of the invaders – the crown, the religion, the laws. Social conditioning and gender placement was, in essence the first human test run, the forerunner to, genetic engineering.

### Grand Patriarchy

“People who do not fit into or who reject these gender roles are neutralized with violence and ostracized.” Who are the people who would reject these gender roles? Certainly they would be those who overstood patriarchy, colonialism, and who had a sense of self and kind so strong that they went determined to assert themselves and be natural. Gender outlaws. Those who acted (and thought) outside of the box – the patriarchal gender box. However, when grand patriarchy came onto the scene, as a weaponized euro-supremacy, all indigenous people, male and female, became inferiors.

Indigenous men were domesticated under grand patriarchy just as women had always been. And to ensure this, a constant, blatant and open hostile state of terror and siege was used to blanket any notion to the contrary. Euro-supremacy smothered everything. Every male not a European became

“boy”, “buck”, “son”, or worse. They were explicitly forbidden to look a European male in the eyes. Grand patriarchy recognized one man – the European male. This was eventually utilized in the colonization of every encountered culture of the planet.

But not even this form of pervasive oppression eradicated patriarchy among those dominated. Oppressed men, those forbidden to be “men” under grand patriarchy, still would oppress oppressed women. Thus women felt a double blow of oppression under grand (on a national level) patriarchy and minor patriarchy – individually, in personal social relations. What’s more is, this individual patriarchy – now sexism – was compounded with the introduction of the colonizers’ religion into the mix as a chain of control. Western religion in the colonies became “force-multipliers” for patriarchy. Another weapon used in the war. Once indigenous men had been taught that this new god had given men dominion over women and children, these fell further down the Great Chain of Being (as created by Plato and reconfigured by Euro-Christians). Women, too, however reciprocated this travesty by believing this foolishness to be true, making it that much easier for their oppression to continue.

But isn’t it odd that the same religion that propelled the Euro-supremacists out of Europe and against the world in a war driven culture of conquest, made the people they encountered docile and meek? That instead of the indigenous males using the bible to oppress women they could have used it to push back against the invaders... What happened? It was perhaps the overwhelming military ability of that time. In any event, in a paradoxical twist, the colonized people served to reinforce the grand patriarchy with a spiritually ordained patriarchy of their own – even at the bottom rung of the ladder. Even under old colonialism where it is said that “Whole nations became as classes”, the ills of patriarchy persisted and found expression. Tho’ hardly to the extent it did on the grand level. Still...



### Patriarchy in Neo-colonialism

Class, gender, race and bourgeois law all stem from patriarchy. The illusion that men (“Father”) knows best. To ensure this doesn’t escape anyone, man created religion in his image as well and endowed god with all the human attributes of a brutish man: jealousy, greed, vengeance, indifference, callousness and authoritarianism. When it’s said that “god created man in his image”, it’s actually the reverse of that: man created god in his image. Class, gender, religion, race and bourgeois law – homophobia and heterosexism too – are all created of patriarchy. These, to look at it in another way, are the walls constructed in the global mansion of patriarchy to keep the Great Father safely sequestered away from those buried under the floor, in the closet, used as domestics, maintenance workers and beasts of burden. To escape the gender box is, in essence, to become an outlaw of sorts. For one’s escape from such restrictive confines is a protest – for one’s ability to be natural. Out and away from the stifling confines of patriarchy’s colonialism. But to protest is but one side of the equation. To protest is to go away from for self’s sake. An understandable thing. But to rebel is to go against the malady in an attempt to destroy it. Protests are usually non-violent. A tactical method using hope as a morality play on power to have it change itself. Rebellion however is an active and often violent lunge at the power’s heart to start the bleeding and stop the breathing. But even this is but a tactic and must be educated if the action is to bring about change.

Under old colonialism gender outlaws were smashed on by church and state. Sharp shooting ideologues riled up the masses to reject “ab-normality” for morals superior to such “deviance”. Old colonialism, the general representative of patriarchy, used to push a line of gender authoritarianism. Even on a socio-economic level, old colonialism squatting dominantly over internal colonialism, however, has changed everything, but altered the perception of most things in or-

der to continue to hold its empire together and reap benefits from oppression. The U.S. ruling class has, in its new and enlightened age of colonialism, come out as the main protector of civil rights against sexual, racial and religious discrimination. It bills itself as the force to make all “citizens” equal. Of course the paradox here is what We must focus on to find the truth. You see because as the ruling class goes about claiming to be interested in protecting civil rights it is, in actuality, promoting and reinforcing patriarchy. It’s the tactic of problem-reaction-solution. It’s a Machiavellian ruse of traditional state craft. Patriarchy created “gender” which begot sexism that leads to “sexual discrimination.” Patriarchy created “race” which begot racism and leads to “racial discrimination.” Patriarchy created religion – male dominated theocracies – which leads to “religious discrimination.” In other words, the very problems the masses are running to the state (representative of grand patriarchy) to solve, the state created and will then offer a solution to. Which without question will only strengthen the grip of patriarchy. It’s the symbolic reapplication of the ties that bind which keep the masses tethered to the machine. Orwell anyone?

### Patriarchal Contamination

We, as seated so close to the epicenter of empire, patriarchy and all that this entails, are without question, thoroughly contaminated. Cross-pollinated social interaction and conditioning has exposed us all to such a degree that We can hardly recognize our sickness. It all seems “normal” and “natural” doesn’t it? That’s because We’ve gone to colonial schools, been socialized by its mass media, the propaganda of its many wars (even those against us), bourgeois elections, its culture of arrogance, smugness and indifference, etc. Because of this, and our inability to make sense of it, We act as unconscious shock troops of its colonial edicts when confronted with ideas and actions which appear to run counter to its mores. Being homophobic is one such thing. And of course racism is another. The animalized names the dominant culture has used to denigrate us all with We’ll turn around and use them on each other and ourselves to justify a sense of difference in imitation of patriarchy.

But you see, the neo (new) colonialism doesn’t mind if its patriarchy is being imitated. That’s a plus for it. That means it’s working. It means people aren’t trying to stop it, they are trying to like it. They don’t want to end patriarchy, they want to be card carrying members of the club. Have you seen the ex-correctional officer, rapper Rick Ross, with his shirt off? The idiot has huge tattoos on his torso of U.S. currency - complete with Franklin’s face, Jackson and Jefferson! He wants in so bad he’s a walking billboard - “Will Beg For Membership.” That’s how patriarchy stays afloat and operable - by being legitimized, replicated and practiced by the unconscious masses. Neo-colonialism has found it expedient to ease up on the blatant authoritarianism and to let the colonial masses “do their thing.” As long as it is within the established framework of the game - of bourgeois law and order.

So, while breaking out of the gender role is objectively wrong in the eyes of the patriarchy, it hasn’t the time nor inclination to pursue such outlaws at this time. Actually, what the state has done under neocolonialism is act as if it’s okay and has gone on the offensive in trying to ensure the people that all is well. First it was “smash on sight.” Then it was “don’t ask, don’t tell.” Now it’s “come on in grab a gun and help defend the empire.” Same way it did with New Afrikans, Mexicanos, Puerto Ricans and Indigenous Nationals. ‘Member that? Sure, it went like this: old colonialism, black codes, jim crow, segregation, civil rights and neo-colonialism - as integration. This who refused to join the club were what? “Neutralized with violence and ostracized.” Today We call them Martyrs, Prisoners of War, Political Prisoners and exiles. Those who joined We call neo-colonialists, petty-bourgeois, sell-outs and collaborators - enemies of the people. The choice is now ours. What are We going to be? Projectiles for the people or projectiles against the people? That is the question.

Neo-colonialism has put the colonies on autopilot. And the masses have been confused by this, thinking that they are somehow on a flight towards freedom. Because the establishment forces aren’t actively smashing on what used to be obvious causes for reaction, the people think a general sense of new freedom has blanketed the situation. As Oprah has her own TV network, Jay Z wines and dines with Warren Buffet, Magic Johnson owns the L.A. Dodgers and Rock Bottom is in the whitest house. But the usual reins of state control and reaction have not been relinquished they’ve only been delegated to accommodation intermediaries to run the flight plan for the ruling class. The coordinates have been programmed into the console, the flight is on autopilot, those the masses think are in control are only maintenance workers and sky marshals, flight attendants and observers, as the jumbo dream liner continues uninterrupted across this neo-colonial terrain of war and class, amerikkkan style.

In this era of neocolonialism the main homophobes are the masses themselves. Where it used to be the state, the church and other rabid ideologues of patriarchy, now it’s athletes, rappers and the idiot down the tier who somehow feels as if his so-called “manhood” is threatened by how or who another person lives and loves. The unconscious shock troops

of patriarchy become the gatekeepers for their oppressors. That's why patriarchy can feel so comfortable with putting the colonies on auto-pilot. The inmates have assumed control of the asylum and all is well on the Western front. Never mind that the very culture of oppression that they are holding up by becoming little oppressors themselves is the actual threat to them. It's an animal farm trip, really. Or a Stockholm syndrome type of situation. Where the entity doing you the harm you side step to attack the one on your side - while loving your tormentor. Psych meds, anyone?

#### Harmful to Everybody

To overstand homophobia and heterosexism as oppressive tools of the patriarchy is to come to grips with one's own reality. A reality that shouts its existence not from the confines of your own head or intellect - or even your culture. It's a reality put on you by an offending order of parties who wish only to control and exploit you to their delight and benefit. Those "shouts of reality" We speak of are from a distance of centuries past, and their antiquity gives them an air of prestige and legitimacy, but you mustn't be fooled. For this is the culture that ripped apart your ancestors - this is it. It's shinier now, has more pixels and is in high definition, but it is the same culture that pushed up on those shores and was mistaken as god. It is the very same system of control, too. The gatekeepers complexions have changed - We can see the madness thru the lens of BET and Univision now instead of just CBS and NBC, but look carefully and listen, it's the same old thing - patriarchy, class, gender, race, colonialism. The same slings and arrows aimed at gender outlaws today are the same ones flung at us first when patriarchy drove up. We were the ab-normal ones then. And now, what, We've become so "normal" (amerikans) that We are oppressors, too? We've been amerikanized to the point where We can't even recognize We aren't even ourselves anymore. Yeah, "amerikkian me".

**In prison, the concentration of the patriarchy pathology is on steroids— even tho there are no women in men's prisons. Not as prisoners anyway. No need really, cause patriarchy is also homophobia & heterosexism....**

In prison, the concentration of the patriarchy pathology is on steroids - even tho' there are no women in men's prisons. Not as prisoners anyway. No need really, cause patriarchy is also homophobia and heterosexism, so it finds expression in this way. Whether thru predation or hate outright, ill vibrations play out against gays or transgender prisoners as, invariably, they are referred to as "punk", "faggots", "bitches" etc. The hierachal structure of prison groups preclude any form of socialization or respect with, or towards, gay prisoners. They are treated as "abnormals" - as less than human. They are usually "neutralized with violence and ostracized." Groups forbid their members from aiding any such person. And even tho' the prisoners are placed with nationals from oppressed and colonized nations, oppression and prejudice of gays and transgender prisoners goes on uninterrupted as patriarchal "morals" are imitated and replicated across the board.

The odd thing, tho' one which points up the patriarchal reality in vivid fashion, is in most prison cultures the only party in a gay encounter that's considered gay is the one assuming the so-called passive or feminine role. The masculine one, the top, is considered "the man" which somehow excludes him from being gay, or bi. It's his prerogative to fuck something, huh? And, much like sexism, out in Babylon, where the woman is considered less than, so too is it in prison with the gay or transgender prisoner. Tho' more so since the homophobia and heterosexism is driven by the "morals" of religion. Of course patriarchy escapes mention altogether. Nevertheless, the pathology of patriarchy plays itself out even in the most oppressive situations imaginable.

The fact of the matter is, We can talk about this until We are out of breath, but until gays and transgender prisoners, and people at large, take their lives and existence into their own hands, organize and defend their reality, they'll continue to be victimized and exploited and that goes for any form of oppression. The oppressed have the responsibility to get free. Freedom is not given or granted - it's taken! The federal government is not going to legislate your safety into existence. The prison administration cannot - nor will it - protect you from hostile homophobes or predators. You have to organize yourselves in concert with methods that reflect your reality. We know that in the state prison at Walla Walla, in Washington, the revolutionary comrades organized Men Against Sexist Shit (MASS) to combat homophobia and heterosexism there. Revolutionaries should be on the front lines of combating all forms of oppression. We have to organize with the oppressed to strike for freedom or the neocolonialists will organize. Them against us and continue on. •

*Re-Build!  
Mr. Shakur is/was a SHU prisoner.*

#### Endnotes:

1. Eternal Treblinka, Charles Patterson
2. The Club, the Yoke, and the Leash: What can we learn from the way a Culture Treats Animals. Aviva Cantor, MS (August 1983)
3. Man and the Natural World: A History of the Modern Sensibility, Keith Thomas (New York, Pantheon Books, 1983)
4. The Origins of Nazi Genocide: From Euthanasia to the Final Solution, Henry Friedlander, (Chapel Hill, University of North Carolina Press, 1995)
5. Eternal Treblinka, Patterson
6. How Nonviolent Protects the State, Peter Gelderloos, (South End Press, 2007)

## THE COURT OF APPEALS JUST AFFIRMED THIS ORDER:

The court reiterates its orders in the case of *Escalera v. Terhune*. Specifically, CDCR staff at PBSP is ordered to refrain from affording preferential treatment to inmates on the basis of ethnicity. In their discretion, the [habeas petition] respondents may lock down the prison, and may release inmates from lockdown based upon individual behavior, and upon informed predictions of individual behavior; but not on the basis of ethnicity. On a short term emergency basis, respondents may separate inmates on the basis of ethnicity, if prison security requires it, so long as it is not done preferentially. CDCR staff at Pelican Bay State Prison is ordered, within 60 days, to cease and desist from managing inmates as members or associates of disruptive groups, unless those inmates have been individually validated as members or associates pursuant to [California Code of Regulations, title 15, section] 3378. Inmates who are not parties to this case, or to the case of *Escalera v. Terhune* may seek enforcement of the orders made herein by filing a pleading in this case.

The entire opinion can be found here: <http://www.courts.ca.gov/opinions/documents/A132816.PDF>

## VENEZUELA PRISON RIOT

A riot at the Uribana prison in Barquisimeto, Venezuela, left at least 61 people dead, a hospital director in the city said on January 26th. About 120 more people were wounded in clashes that erupted late Friday between the inmates and national guard soldiers. Media outlets reported that most of the dead were inmates. Government officials pledged a thorough investigation. Uribana prison was built to hold up to 850 inmates but currently has about 1,400.

Similar though less deadly clashes have flared repeatedly during the past few years. In April and May, a prison uprising in La Planta prison in Caracas blocked authorities from going inside for nearly three weeks. One prisoner was killed and five people were wounded, including two National Guard soldiers and three inmates. Two months later, another riot broke out at a penitentiary in Merida, and the Venezuelan Prisons Observatory reported 30 killed. In August, 25 people were killed and 43 wounded when two groups of inmates fought a gun battle inside Yare I prison south of Caracas. •



By Fernando Bermúdez

## THE SHAMEFUL INDEX OF PRISON RAPE

By Amy Fettig & Jennifer Wedekind

May 18, 2012 "Information Clearing House" -- Today the Department of Justice released the long-awaited Prison Rape Elimination Act (PREA) regulations, representing the first time that the federal government has issued national standards to help end sexual abuse in correctional facilities. The regulations are two years late and a lot of harm has been done in their absence, but now that they've finally been released they can help us protect important constitutional and human rights and ensure safe and fair correctional facilities that assist prisoners in rehabilitation rather than needlessly brutalizing them.

The ACLU supports the Department's efforts to protect and prevent sexual abuse in places of detention, although we regret that immigration facilities are not yet included in these standards.

**...the problem of prison rape is just as pressing now as it was when Congress passed PREA in 2003.**

Sadly, the problem of prison rape is just as pressing now as it was when Congress passed PREA in 2003. Below is the shameful index of prison rape in prisons, jails and youth detention centers across the country. These numbers reflect a national tragedy. But PREA gives us the critical tools to stop rape in our corrections facilities. Now, federal, state and local governments and the public must take strong and continued action to ensure that the promise of PREA becomes a safe and secure reality.

- Number of people imprisoned in the United States: 2.3 million
- Number of victims of rape or sexual abuse in U.S. prison, jails and juvenile detention facilities in the past year according to the Justice Department: 216,600 (the DOJ admitted it was likely "underestimating the extent of the problem")
- Number of victims of rape or sexual abuse in U.S. prison, jails and juvenile detention facilities since the initial PREA legislation as signed into law (Sept. 4, 2003): 1,884,909
- Number of days past the Department of Justice's deadline (June 23, 2010) for establishing the final standards: 717
- Number of victims of rape or sexual abuse in U.S. prison, jails and juvenile detention facilities since the Department of Justice missed its deadline to establish regulations: 411,332
- Percentage of youth in state juvenile facilities and large non-state facilities who experienced one or more incidents of sexual victimization in the past 12 months: 12%
- Percentage of youth sexually victimized by a corrections staff member: 10.3%
- Percentage of former state prisoners reporting one or more incidents of sexual victimization while in jail, prison or post-release community treatment facilities: 9.6%
- Percentage of male former state prisoners who identified as homosexual or gay who reported being sexually victimized by another inmate: 39%
- Percentage of male bisexual former state prisoners who reported being sexually victimized by another inmate: 34%
- Percentage of transgender prisoners reporting being sexually assaulted in prison or jail according to a national survey: 15%
- Percentage of black transgender prisoners reporting being sexually assaulted in prison or jail according to a national survey: 34%
- Percentage of former state prisoners who experience retaliation in the form of disciplinary charges after reporting sexual victimization by a staff member: 46.3%
- Percentage of former state prisoners who reported no facility response at all, after reporting sexual victimization by another prisoner: 37%
- Number of states which allow cross-gender pat downs: 30
- Number of reported incidents of sexual abuse in immigration detention facilities since 2007: 185
- Number of organizations which urged President Obama to instruct the Department of Justice to extend PREA coverage to immigration detention facilities: 38
- Number of members of the National Sheriff's Association, which called on the Department of Justice to extend its PREA regulations to Department of Homeland Security detention centers: 18,000
- Number of original sponsors of PREA who intended the legislation to include immigration detention facilities: 8 •

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ACLU National Prison Project

# PELICAN BAY REPORT

By Kim Pollak

In November and December of 2012, CPF conducted several dozen interviews with Pelican Bay SHU residents. The following is a summary of the interviewers' reports and some letters from the PB SHU.

**Gang validation:** The policies of validation continue to be unjust and corrupt. Validation is regularly used by prison staff as a tool of retaliation and intimidation. Inmates are often validated based on unreliable sources and unfounded evidence, as well as prejudice and stereotypes. The assignment of non-gang-related rule violations in conjunction with validation has become more common.

Prisoners reported they and their fellow inmates are getting validated for such things as ethnic tattoos, saying hello to someone in another pod, or speaking Spanish, or based on one's name being found in another inmate's cell. One inmate was validated based on a photocopy of a piece of prison art, which he reportedly did not even make. Another was validated based on a poetry book that he published. One of the poems, it was claimed, "posed a threat", though according to its author it had nothing to do with gangs. Others received 115s for cultural art. Some men say they are wary of drawing any more for fear of receiving more 115s or of being (re-)validated. Commonly, their fear of getting points for validation suppresses their natural creative expression, self-empowerment and education (e.g., content of their art work, writing, reading political or radical books/magazines, visiting the law library).

Family letters that mention another prisoner who has been validated can be "evidence" of gang association. One SHU resident expressed concern that past write-ups, though dismissed, will be used against him if ever if he is faced with potential validation, simply because his file is large.

The same themes arise again and again: being validated on evidence over 6 years old that surfaces just days before one's active/inactive gang status review; false accusations by guards in a bad mood or with a vendetta; being validated through secret information from a confidential source; and being re-validated again and again, despite having no write-ups for behavior, simply because one refuses to debrief.

Prisoners of color report over and over that they are being persecuted based on their race, which is systematically contributing to the unfounded gang-validation of people of color.

**Rules violations:** According to prisoners, 115s for minor violations have been increasing. As with validations, prisoners repeatedly relay stories reflecting the misuse of violations, also commonly used as a form of corruption and retaliation. From prisoner reports it appears that violations are used as a tool to maintain a sense of powerlessness and isolation among prisoners and to keep the public ignorant as to what is taking place behind prison walls. There is a general consensus that the issuance of 115s lacks uniformity and are issued arbitrarily, based on external motivations. Violations are frequently based on fabricated claims and for actions previously unknown to the prisoners to be infractions. One prisoner with whom we spoke, who received three 115s for "gang related behavior", explained that in reference to 115s, there is *no* due process. Another stated that 115s are "practically pre-written, just waiting for names to be filled in." Inmates describe situations in which a guard or guards become "predatory" to an individual prisoner, whom they routinely bully.

Following are some examples of violations issued to the men we interviewed. One inmate received a violation as he was returning from the yard, for an unprompted attack by another inmate when the other inmate's cell was prematurely opened by the guards. Inmates are reportedly being issued violations for talking in the law library, with no warning and often arbitrarily, when in fact nobody is talking. Violations are also issued when inmates holler hi and bye to friends in passing and for talking to other inmates in the yard and between cells. Talking between inmates in the yard is often equated with gang activity and results in 115s. A prisoner explained that even if unfounded violations charges are dropped, the reports remain in the prisoner's file and will prejudice staff who read the reports.

Inmates are also concerned about the number of individuals who owe restitution and the fact that CDCR takes 55% of all incoming money to them for restitution. He explained that during his time at PBSP (time unknown), funds taken from inmates' canteen money have increased from 22% to the present 55%. He suggests that inmates should bear the burden themselves by working off restitution, rather than their loved ones who send them money.

**Complaints (602s):** Violations as retaliation are reported to be a common tactic to discourage inmate complaints (602s). In fact, one inmate explained that guards have outright threatened prisoners that if they continue to write 602s they will receive 115s for doing so. Filing a 602 invites trouble, one inmate explained, and often leads to a cell search of the entire pod. Guards are known to lose 602s, to rip them up or write "refused" on them in front of the prisoners. Thus many 602s are not submitted and even if they are, it is a struggle to get them into the right hands. The process is corrupted and largely ineffective.

**Medical:** The quality and accessibility of medical care continues to be dismal. Inmates reported that the quality of medical service improved somewhat under the management of the federal government. Stories of medical negligence in the SHU are far too common. Many firsthand experiences were shared with CPF volunteers during the interviews and in the hundreds of letters CPF receives monthly.

Inmates say that they are often not seen by a doctor for one to two weeks after submitting a request to be evaluated, even when seriously ill or injured. Nurses may be sent out sooner, but reportedly they don't do much. Often treatment is denied for things such as allergies and pain; inmates with high cholesterol and high blood pressure are only given aspirin. Their poor diet contributes to these problems. Prisoners with Hep C report that they are denied medication to prevent the disease's progression, and only receive meds when their condition becomes severe. Procedures concerning prescription changes are regularly violated. Asthma, which is exacerbated by the cold, damp climate, is frequently untreated. One prisoner, despite an absence of medical tests, was told he does not have asthma, but rather has chronic obstructive pulmonary disease and receives no treatment. Medications are frequently reduced with no medical evaluation. In fact, it was reported that Dr. Sayre recently cut medications in half, arbitrarily, for many SHU inmates. Prisoners reported having problems every month in their efforts to renew their prescriptions. Prison staff often claims that prisoners will use their pain meds for barter. Prisoners suffer from the false assumptions of those in charge. One prisoner reported that pain medication which had been prescribed to him in another prison had been discontinued, and he was told Motrin was sufficient, although his medical records showed that Motrin was ineffective. One injured prisoner reported that he has been denied treatment for his torn rotator. His 602 was denied as well. Another man suffering from end-stage liver disease can't get medication because he is too ill, but not sick enough to qualify for a liver transplant. Another reported that ADA accommodations are consistently denied or distorted (for example, limiting writing time rather than allowing a cellmate to scribe).

Physical therapy has been taken away from many prisoners who were previously receiving it and/or for whom it has been recommended. Many who are in need of, or already approved for medical transfer, have been denied. It was reported as well, that inmates are often sent to a psychiatrist when a physical ailment is reported, rather than a medical doctor. One man lost his hearing aid and has not been able to replace it, although he has severe tinnitus. Prison staff has informed the prisoner that he does not need it. Another individual requested a back brace, cane, a floor mat and pain medication for injuries he had sustained in a beating in 1996. They were all denied. With few choices, he presently wraps a sheet around his lower back to give it support and lessen the pain. Another inmate described a severe case of carpal tunnel inhibiting the mobility of his dominant hand and causing him a great deal of pain. Despite surgery on it four years ago, it continues to cause him pain. He told us that he "tries not to complain" and would "rather just pay the \$5 to get the Motrin." According to inmates, 602s regarding medical treatment are routinely denied.

As far as mental health, inmates report over and over that they are suffering from depression, anxiety and other mental health related problems triggered and/or intensified by the conditions under which they live. Some prisoners are afraid to take medication for their symptoms, and report that medication is often sedating or prevents clear thinking and functioning.

**Food:** Inmates reported that the quality of the food continues to be extremely poor. In the words of the inmates, the food is cold, runny, soggy, undercooked, burnt, tasteless, disgusting and of low nutritional value. The trays are reported to be greasy, dirty with food from previous meals, and/or have water in the bottom of them which adds to the sogginess of the food. One inmate reported that recently they had received moldy bread for six days in a row. In addition, there is little variation in the menu and the portions are "child size." It was reported that the veggie, Kosher, and Halal meals have even smaller portions and also that portions decreased in size after the 2011 hunger strikes. One prisoner reported getting two slices of bread and a spoon of margarine for breakfast on a Kosher diet. "They want us off special meals because they cost more." Some inmates require special meals for health problems, yet their requests are often ignored or denied. Even previously approved special meals are being denied. Heart Healthy Meals were introduced, then taken away when the CDCR claimed that all of the meals had been made "heart healthy"—though the meals reportedly had not changed at all. Another inmate reported that meetings with the Associate Warden had led to food quality improvements, but they were temporary and the food quality returned to normal shortly thereafter.

Inmates explained that breakfast and lunch are served together in the morning. For most of the men to feel full they have to eat both of them at once. Then they have to wait until the late afternoon to get an insubstantial "cold, soggy dinner". Prisoners regularly go to bed hungry. Some reported drinking water at night to help with the hunger. One man ex-

plained that he is usually so hungry, he "can't think." Inmates rely on their own money to buy additional food, also lacking in quality, from the canteen, where prices have been raised. Complaining about the food may result in retaliation. One man was sent to the psychologist as a result of a food related complaint. The general sentiment was summed up by one interviewee who stated: "They want us to stay hungry and with what they give us, we do." The prisoners consistently report that the quality and quantity of PBSP prison food is unsuitable, and both prevents those who are weak and/or ill from recovering and rebuilding their strength, and actually causes and contributes to health problems among inmates.

**Yard:** It was reported that when a cell is painted—approximately once a week—the entire block is locked down. There are reportedly no programs or yard time during lockdown, which can last from one and a half days up to a whole week. The smell of the paint is strong and unpleasant, compounding the effects of confiscated yard time. (Incidentally, some inmates do not like the new paint. They say the shiny white is stress-inducing and would prefer the old flaky paint or a warmer color with a more calming effect.) Many of the men reported that yard time is frequently (up to one and two times a week) taken away for no apparent reason at all.

Sometimes it is cold and rainy and inmates don't have the proper clothing to stay warm in the yard. One inmate explained that men are walked through the yard for medical appointments in front of the other men in revealing shorts and thermals. Requests for more modest shorts or permission to wear other clothing have reportedly been denied. Old prisoners whose cells are near the yard door often suffer from "achy bones" – arthritic conditions that are made worse during the cold and wet season.

The SHU yards have no pull-up bars or other equipment. (Reports that Calipatria Prison has installed pull-up bars is seen as divisive.) Similarly to the cells, there is little to do in the yard except for pushups, sit ups, pacing back and forth and so on. Calling these partially roofed confined spaces a "yard" requires quite a stretch of the imagination.

Inmates report that Special Needs Yards intimidate people and make guards happy. Prisoners are expected to stop any problem, but are punished if they do, which creates a double bind.

**Conditions:** Basic cleaning and maintenance at Pelican Bay is being neglected. The men are not provided with enough cleaning materials for their cells, and the guards use the prisoners' supplies. One interviewee, who came to Pelican Bay in 1992, had never seen the cells hosed down, the air vents cleaned, or the chandeliers dusted. These conditions can be especially difficult for inmates with allergies. In addition, the structure is old, cold and leaky, and walls are moldy. Power outages occur on a regular basis. The general condition of the structure raises questions as to the overall health and safety of the prisoners.

Prisoners repeatedly report problems with the televisions. For so many of them, TVs are the only source of stimulation, while many more don't even have that. The TVs are reported to be low functioning with poor audio and visual quality. And, inmates explained, like all canteen items the TVs are far overpriced. Yet it's worse in Ad Seg because there are no TVs there. The reason given was that there are no sockets or shelves which cost too much to install. The radio station that carries NPR and Democracy Now has been removed as a listening option.

**Canteen:** As with the TVs, canteen items are of average or poor quality, yet overpriced. The men reported that prices have increased while selection has decreased. The snacks are spicy and salty and there is little of nutritional value. Art supplies are limited. For example prisoners report only being permitted to have only a few colors of art pencils. Often the men are told that new items will be offered but they are not. One interviewee explained that one's skin gets very chapped due to the food deficiency, dry air and lack of sunlight. Nevertheless, since last Fall the canteen no longer carries lotion.

**Laundry and Clothes:** Several interviewees reported that their clothes are returned dirty and torn or sometimes not returned at all. Recently, "it looked as if they had been washed in muddy water," said one inmate. When clothes are missing or damaged the prisoners are made to pay for replacements. When "new" clothes are issued they are often, in fact, used. We were informed that prisoners in Ad-Seg are made to wear pink jumpsuits, described as degrading. Requiring degrading clothing is an illegal prison practice.

Prisoners must wash their personal clothing by hand, or sometimes they choose to wash certain items by hand due to the poor laundry service. However inmates are not provided with an adequate amount of soap to do that, even with what they can purchase at the canteen. One inmate reported that after complaining about clothes being thrown on the floor after laundering, staff retaliated with a pod raid and cell searches resulting in the issuance of 115s.

**Visits:** A CPF interviewer reported that the sound level on the telephone in the legal visiting booth was very low, crackly, and inaudible at times. A prisoner noted that the radio music that was supposed to be played in the background to prevent guards from hearing the voices during visits was turned off. Although the right to have a shave and shower prior to visits was previously resolved, these rights are being

withheld again.

One interviewee explained that his mother had applied for visitation rights eight times in the past five years, all of which were denied. The inmate was told that it was because his mother has a criminal record, which is untrue. One man's family came for a visit by bus, from many hours away. It was to be their first visit in four years. When they arrived they were told that although they had the notarization that the inmate was indeed family, it was on the wrong form and the prisoner was not able to see his family, including his young son. He filed a 602 and has been waiting ever since.

**Mail:** It was consistently reported that mail is slow, irregular, often delayed, tampered with and censored. When mail is stopped, prisoners are often informed that there has been a "processing error." There is, however, no actual accountability. The *Rock* newsletter was recently censored, with certain articles ripped out. Some men's copies of *Rock* were not delivered at all. An inmate on mail restriction has had letters from approved correspondents denied without explanation. One man reported that it has taken up to 20 days to receive mail from his family. Another said that it took 15 days, and the letters, in Spanish, sometimes arrive with portions blacked out. He is not told what was censored or why. Mail stop orders are still issued, yet senders are not receiving notification that their letters were not delivered. Confiscated letters are likely to be put in the inmates' files to be used against them in the future.

**Photos:** Inmates report that they have been waiting for their annual holiday photos for months. One inmate reported 6 years between photos. He was not permitted to see the latest photo before it was sent to family members. It was also reported that guards had retouched inmates' photos, changing hair color and adding moustaches. One man explained that he was denied a photo because of a 115 he had received. Another was not given a photo of his family that included him in it.

**Cell changes and transfers:** Requests for cell changes are rarely processed. Double-celling requests by Short Corridor SHU prisoners are being slowed by CDCR in Sacramento and inmates do not know if double celling will be approved. Medical transfers are often delayed or refused; sometimes apparently as an act of retaliation by prison staff.

**Cell Searches:** Allegedly conducted on a regular basis as a form of retaliation and often arbitrarily. Inmates indicate that there are more of them taking place these days and that they are conducted in a disrespectful and unprofessional fashion, leaving the cells with inmate's belongings thrown everywhere.

**Law Library:** On a positive note, one inmate reported that CDC staff seems to be allowing more access to the law library. He stated that the previous waiting time of up to a month has been reduced. However, others complain that the waiting list is very long. Several of the men reported that there is the risk in going to the law library of receiving a violation for talking, even when no one is talking. Several interviewees confirmed this and some stated that they do not go to the Law Library for that reason. One librarian had been very helpful to those visiting the library but was consequently "influenced" by other prison staff and is no longer able to help.

**Miscellaneous:** In general, information sharing is inhibited, if not completely prohibited. Inmate requests for the administration to post the Agreement to End Hostilities have been repeatedly denied, as well as requests to air the Agreement on the Institutional TV channel. Local TV news coverage is bad, explained many of the inmates we spoke with. Several explained that there was *no* coverage of Proposition 36, though at least one man said that *all* of the other propositions were covered. As previously mentioned, the radio station that carries NPR and Democracy Now is no longer offered.

Prisoners expressed their conviction that guards aim to discourage the success of the Agreement to End Hostilities using tactics such as opening the wrong doors to the yard, to incite violence. The men explain that they are not in the SHU for violence, drugs or gang membership, but rather that they are there because keeping men in the SHU is an institutionally accepted method of mind control. This perhaps is exemplified by the fact that so many SHU prisoners have not received even one behavioral write up for well over ten years.

**STG 7.0:** None of the inmates interviewed expressed any positive feelings about the new STG policy/Step Down Program. (Most had not seen a version later than 7.0, but a few had seen the Pilot Program regulations.) The men are dubious of the program, denying that any real changes are taking, or will take place. They felt the language was more deceptive than the earlier (March 2012) version, and even more arbitrary and would increase the number of men in the SHU. All of the men agreed that there is still no objectivity as to what constitutes evidence of gang affiliation, and CDCR refuses to clarify. As one CPF volunteer stated, "It is not acceptable at any level, to the men I spoke with." One interviewee explained that "the men who have been here a long time are here because they won't snitch" and he does not see a change in their positions happening. It was reported that at least one prisoner was refused access to SDP because he had participated in the hunger strikes in 2011.

There is some confusion over whether prisoners are com-

mitting to be in the program just by receiving the program papers, or how serious the consequences are for those individuals who drop out of the program and thus labeled "program failure".

Many are asking, "Why are the same guards that are validating us, still in charge of being our judges?" They feel that the cases need to be reviewed by outside entities, that is, non-CDCR persons. An interviewee said that the state Assembly's Public Safety Committee, chaired by Tom Ammiano, promised to involve prisoners in deciding how reviews would be handled. The prisoners have not yet seen any such effort made by the CDCR towards this goal. The promise by Scott Kernan to review first the cases of those held the longest is seen as having been disregarded.

One prisoner expressed his concerns over the potential for success in light of the financial gains for guards working in the SHU. He feels that individual prisons have too much control over prisoner treatment and that the Legislature needs to take a more active role in writing California regulations. It is reported that inmates are being coerced into signing contracts and to debrief. One interviewee expressed his belief that the new policy is a way to trap the men into signing contracts that would be like debriefing. Some question Step 1 and the value in spending a whole year reflecting and writing about themselves. This is seen basically as "confessing" – and the information is likely to be used against the prisoner in the future.

One prisoner expressed his greatest concern, namely, that the program assigns the men who have not debriefed to SNY yards (Special Needs Yards). This is seen as dangerous, since many of the prisoners in these yards are dangerous sociopaths or otherwise impaired, and many have already debriefed and are there for their own protection as "snitches." Since they have already conned the guards, they are given protection regardless of their behavior, which leaves those who have not debriefed vulnerable. He explained that there are 38 prison facilities in California that have special needs yards, many of which are mixed up with the general population. 80% of SNY are dropouts, who have debriefed. There are approximately 35,000 SNY prisoners now in California, and yet, he explained, SNY is not an official classification in Title 15 or in DOM, so has no legitimacy. The solution, the prisoner continued, is to discredit the SNY program and debriefing, all together. "What a waste of tax money it is," he concluded.



Soul of Despair by Michael Russell

Another prisoner expressed concern about how the public is going to be looped into the STG classification system and that children will be marked early, tracking them to prison.

**Three Strikes:** A prisoner voiced concern that despite the 3 strikes reform, he would be denied release based on his validation record. He quoted the new legislation which states that the denial of release can be based on "any reason considered dangerous... including disciplinary background," (such as 115s).

**Solutions:** There is a wealth of knowledge and wisdom within the walls of Pelican Bay. The prisoners are a great resource for ideas on reforming the SHU.

One prisoner, who spent much of the interview talking about solutions, expressed his support of allowing educational programs to resume and involving colleges in designing courses in which the prisoners could participate, with outside course members.

Most inmates from whom we have heard express support for the Agreement to End Hostilities. Many of the men who support the Agreement are known and respected in their communities both in and outside of their units and the prison. Other prisoners often listen to these men, many of whom are elders. This is one of the reasons that many of the prisoners believe in the potential success of the Agreement to End Hostilities. One prisoner, however, expressed his conviction, that the "younger guys won't go for it."

It is incontestable that the SHU is detrimental to both mental and physical well being. According to one interviewee, even the operational manual for prison staff states that the SHU is a high stress unit for officers and for that reason a correctional officer only works in the SHU for a maximum of

two years at a time. Those who show high levels of stress are removed immediately. Why are these conditions not considered inhumane for the prisoners? The inhumane, physically and mentally detrimental, cruel conditions in the SHU, as described above by over 50 inmates, is harmful to everybody involved, including the staff, and to society as a whole. •

## CDCR'S ADDITIONAL BROKEN AGREEMENT ON CORE DEMAND #5 (8), TV/RADIO-COMBO FOR SHU

We write this additional letter regarding George Giurbino's (Chief Deputy Administrator, Division of Adult Institutions, at the relevant times mentioned) *broken agreement* regarding our Five (5) Core Demands no. 5 (8), in finding a manufacturer to produce a TV/radio combination for SHU. Thus, for reasons stated below, we hold him, the manufacturer, and the vendor responsible for this broken agreement.

About eight months ago, after the 2011 hunger strikes, Feb/March 2012, George Giurbino sent around to all the SHU prisons a prototype TV/radio-combo for the SHU-prisoner-reps to check out—which we did. This TV/radio-combo was going to be manufactured by ClearInventions/ClearTunes, and Union Supply Direct—an approved vendor—was going to sell them to SHU prisoners. Note: A letter we received from approved vendor Walkenhorst (in reply to our question if they were going to also carry it) stated that CDCR had an exclusive contract with ClearInventions/ClearTunes and Union Supply Direct that *only* Union Supply was going to sell *that* TV/radio-combo to prisoners. In other words, a monopoly, where neither Walkenhorst, Access Secure, or Packages'R'Us can sell *that* TV/radio-combo to us.

Anyway, as all prisoners know by now, Union Supply Direct has begun to offer those combinations in their catalogs starting Sept. 2012, as item #40449, "ClearTunes 13-inch LED Flat screen TV with speaker & FM-tuner (radio)." ([www.californiainmatepackage.com](http://www.californiainmatepackage.com))

However, in SHU, appliances with speakers are **not allowed**. Now, the question to ask is, Why didn't they *also* offer one of those combinations *without* speakers, just like they do for *all* the others in their catalogs? This was asked countless times of Union, but we, our family/friends only got vague and runaround answers. But the answer is simple enough. And there's *only* one reasonable conclusion from all the facts. Especially when a prison official lets slip that, it [has to do with] our Rejection of CDCR's March 2012 STG-SDP proposal—Giurbino's pet project—and our legal team filing of the class action suit on solitary confinement against CDCR. That's when George Giurbino, a defendant in that suit, then told ClearInventions/ClearTunes *not* to produce them *without* speakers for any fee, like they used to offer. All so we in SHU will *not* be allowed to order and possess them, in retaliation for the above-mentioned reasons. Why else produce them only *with* speakers??

Therefore, as stated above, this is a violation of what we had agreed upon, and *all* CDCR prisoners can be sure that we Reps will also make this an issue during our negotiations with CDCR-Sacramento regarding our five (5) Core and forty (40) Supplemental demands we are serving on them at *this* month's meeting, to fax to CDCR-Sacramento and Governor Brown, to meet by the July 08, 2013 deadline, or we will resume our HS/WS on that day. We included a true copy of those demands with this letter to be posted online and in all periodicals.

But what we ask of all of *you* in solidarity with us, is to write ClearInventions/ClearTunes at 2320 E. Vernon St., Vernon, CA 90058, and flood their office and **demand** they immediately produce that TV/radio-FM tuner *without* speakers, or we (all CDCR prisoners) will boycott all ClearTunes products, period! And the same goes for Union Supply Direct at Dept. 300, P.O. Box 9018, Rancho Dominguez, CA 90224-9018, and **demand** they put pressure on ClearInventions/ClearTunes to *immediately* start "offering" to *remove* the speakers from those combinations, for a fee—like they used to do—or we will also boycott their store (i.e. packages, appliances, etc.). That store has already gotten hundreds of calls on this issue from *all* of our (CDCR prisoners') families and friends and they just basically blew them all off! So we can't give either of them a break, period!

The bottom line here is: We don't need them; we have other vendors. They need *us* a lot more as customers! And if they want to keep us as customers, then, from here on in, they're going to have to *earn* it! And if the other approved vendors Walkenhorst, Access Secure, Packages'R'Us, etc. find a manufacturer, for example, RCA, Sony, etc., to produce a TV/radio-combo *without* speakers **first**, then that's the one we should all purchase! •

In solidarity!

--Todd Ashker, C-58191

--Arturo Castellanos, C-17275

--Sitawa Nantambu Jamaa (Dewberry), C-35671

--Antonio Guillen, P-81948

The PBSP-SHU Prisoner Short-Corridor Representatives

# LETTER TO GOVERNOR JERRY BROWN; CDCR SECRETARY JEFFREY BEARD; AND ALL OTHER PARTIES OF INTEREST.

In response to CDCR's failure to meet our 2011 Five (5) Core Demands, the PBSP-SHU Short Corridor Representatives respectfully present this notice of, and basis for, our individualized, collectively agreed upon, decision to resume our nonviolent peaceful protest action on July 08, 2013.

The upcoming peaceful protest will be a combined Hunger Strike [HS] – Work Stoppage [WS] action. Once initiated, this protest will continue indefinitely—until all Five (5) Core Demands are fully met. Here's why.

## 1. The Basis for Our Decision to Resume Our Peaceful Protest

The basis for our decision to resume our nonviolent peaceful protest has been made individually, while presented collectively, on behalf of ourselves, and all similarly situated prisoners, as well as non-prisoners, who are adversely affected by the inhumane policies/ practices at issue.

Governor Brown's, and CDCR Secretary Cate's, failure to make the changes agreed upon during the July/October 2011 negotiation process, has forced us to resume our nonviolent hunger strike/work stoppage protest.

During these negotiations, CDCR's Undersecretary Kernan, et al, acknowledged the reasonableness of our Five (5) Core Demands and asked us to suspend our hunger strike in order to give the CDCR time to implement timely and meaningful changes of real substance, in response to our demands. We agree—while CDCR has failed to do their part.

Before we began our July 01, 2011 peaceful efforts to bring about the long overdue reforms to the CDCR system, we presented Governor Brown, CDCR Secretary Cate, and many others, with our "Formal Complaint" spelling out the reasons why we are willing to put our lives on the line in order to bring about the necessary changes. Along with our "Five (5) Core Demands," wherein we made it clear that we can no longer, complacently, accept the policies and practices that have subjected us, as well as thousands of other prisoners, and loved ones outside these prison walls, to decades of torture within these solitary confinement SHU/Ad-Seg Units, based on innocent associations and unsubstantiated allegations of involvement in illegal activities.

The undisputable fact is that many of us have been held in solitary confinement for the past 10 to 40 years, based on fabricated information provided by prisoners who have been tortured to the point where they provide false information to IGI, in order to get out of the SHU/Ad-Seg. Few of us, if any, have ever been formally charged with, or found guilty of a single illegal, gang-related act. (To review our Formal Complaint, go to: [prisonerhungerstrikesolidarity.wordpress.com/formal-complaint](http://prisonerhungerstrikesolidarity.wordpress.com/formal-complaint). For the 5 Core Demands, see: [www.prisons.org/documents/FinalNoticewith5CoreDemands.doc](http://www.prisons.org/documents/FinalNoticewith5CoreDemands.doc)).

We have demonstrated our commitment to our cause through our hunger strike actions – from July 01 to July 20, and from Sept. 26 to Oct. 13, 2011. We remain 100% collectively committed today!

We have kept our word, while patiently waiting for the CDCR to keep theirs. However, at this point, it is clear to us that the CDCR has no intention of implementing the substantive policy changes that were agreed to fifteen or sixteen months ago – based on their highly touted "Security Threat Group" proposals [March and June 2012], and the much hyped "STG Pilot Program" [October 11, 2012], the CDCR has clearly demonstrated their bad faith; because their alleged changes to the policies/practices at issue are a sham.

In reality, the proposed changes will greatly expand upon the number of prisoners who will be subjected to long-term isolation in torture cells; all the above is detailed in our written Rejection/Oppositions to the March and June proposals. As well as the October 11, 2012 Pilot Program. (See them at: [www.prisonart.org/images/!Newsletter/Rock2\\_1](http://www.prisonart.org/images/!Newsletter/Rock2_1) and at: [www.prisonart.org/images/!Newsletter/Rock1\\_2](http://www.prisonart.org/images/!Newsletter/Rock1_2). The entire Pilot Program is at: [www.sfbayview.com/wp-content/uploads/2012/12/CDCR's-Oct.-11-2012-Security-Threat-Group-Pilot-Program.pdf](http://www.sfbayview.com/wp-content/uploads/2012/12/CDCR's-Oct.-11-2012-Security-Threat-Group-Pilot-Program.pdf).)

Another recent example of the CDCR's refusal to honor the agreement is PBSP's Warden Lewis' refusal to allow a test run – visiting pilot program for additional visiting time on the weekend of Nov. 17 and 18; such additional time was agreed to during negotiations with Undersecretary Kernan [see his August 2011 memo]. Thereby, Warden Lewis has directly violated the agreement on this point too!

There are a number of additional examples that have been, and can be, pointed out to demonstrate the CDCR's non-responsiveness/unwillingness to make meaningful changes to the current policies. Therefore, based on the CDCR's failure to meaningfully address our Five (5) Core Demands, we presently have no available alternative avenues to obtain the long overdue changes, in a timely manner, other than giving the CDCR until July 08, 2013 – as a deadline – to meet our stated demands.

Failure to come to a legally enforceable agreement will be deemed as just cause for us to resume our indefinite, nonviolent, peaceful protest action(s) until the changes are made, as exemplified below.

## 2. Our Five (5) Core Demands (with Supplements)

At this point, the CDCR's willingness to implement meaningful changes to the current policies/practices at issue lacks credibility. Thus, the CDCR's empty promise to effect such changes is not acceptable.

Therefore, the CDCR will be required to sign off on a Consent Decree in US Dist.Ct., N.D. Cal., case #C 09-05796 CW, spelling out the specific terms of the policies to be immediately enacted – pursuant to our five (5) Core Demands [see: [www.prisons.org/documents/FinalNoticewith5CoreDemands.doc](http://www.prisons.org/documents/FinalNoticewith5CoreDemands.doc)].

The consent decree will be subject to enforcement by the federal court; it is the only way we have of ensuring the CDCR's compliance, now and in the future. This is, therefore, mandatory and non-negotiable! The specific terms in the consent decree will be provided by our attorneys, for the above referenced case, in the not-too-distant future.

A few examples of what this consent decree will include are:

(a) SHU confinement shall be solely for determinate terms, per guidelines of CCR Title 15, Sections 3312-3321, and 3341.5(c)(1)(B), "Determinate SHU Segregation" [*no more indeterminate SHU terms!*];

(b) Ad-Seg confinement shall be solely per guidelines of CDCR, Title 15, Section 3335 regarding placement for legitimate investigative purposes—not to exceed eleven (11) months, absent formal charges being filed;

(c) Step Down Program shall be for a maximum duration of eighteen (18) months, and available for the purpose of enabling prisoners an opportunity to shorten the duration of their determinate SHU term.

## 3. In Addition to Our 2011 Five (5) Core Demands, We Present the Following Forty (40) Supplemental Demands That Are Part of and/or Related to Our Five (5) Core Demands.

(1) Order that *all* past Rule Violation Reports [RVR] issued to CDCR prisoners for their participation in the last two 2011 peaceful Hunger Strikes [HS] be rescinded and expunged from all prisoners' files.

(2) Order that no RVR be issued to any CDCR prisoner in violation of any rules and/or in retaliation for participating and/or leading the July 08, 2013, or any future peaceful HS/WS.

(3) Order that CDCR prisoners who do participate in the July 08, 2013, or any future peaceful HS/WS, *not* be retaliated against by placing any of them in Ad-Seg, *nor* have any of their personal property removed, appliances disconnected – including those already in Ad-Seg – or be moved to other cells, etc.

(4) Order that the PBSP-SHU D-Facility visiting room also be reopened, like it was during the early 1990's when this prison first opened—it was specifically built for D-Facility visiting—and that funds be provided in order to accomplish this. This way, all C-Facility and D-Facility SHU prisoners and their families/friends can again have that additional space and time available for visiting, where they will again receive 4-6 hours *per visit* on Saturday, Sunday, and holidays. And not the present 90 minutes or less, especially for those families and friends who have to travel over 200 miles.

(5) Order and issue a memo to all SHU prisons that all SHU prisoners are to be permitted to make one (1) weekly phone call as part of their SHU program. And that the memo be posted in all SHU unit sections.

(6) Order that the CDCR's Department of Operations Manual (DOM), the California Code of Regulations (CCR) Title 15, DOM Supplements and/or Operational Procedures (OP) be revised where it states that, all SHU/Ad-Seg prisoners shall be allowed to order and possess art/hobby supplies from the prison canteen store and approved vendors; and shall be allowed to take one (1) picture per year as part of their program, *without* having to first be disciplinary free. Until then, issue a memo to all CDCR prisons to be posted in all unit sections ordering this.

(7) Order that CCR Title 15, Sections 3192; 3100 through 3108; the CDCR DOM and DOM Supplements be revised, stating that, all CDCR prisoners – especially those in SHU/Ad-Seg – shall be permitted to sell, convey, or give away as gifts *any* artwork or artistic expressions to any prisoner or the public in general – without being penalized/ restricted and/or disciplined. The CDCR now allows SHU and Ad-Seg prisoners to order and possess art/hobby supplies. In addition, while in SHU/Ad-Seg, artwork sometimes becomes a prisoner's only form of income, not to mention keeping their minds occupied on something positive. So, they should be allowed to sell or give it away to anyone, including prisoners. PBSP's IGI is presently confiscating and/or issuing RVR's just for giving drawings to other prisoners as gifts for their families and friends. That is just real petty and fundamentally wrongheaded! Until then, issue a memo to all CDCR prisons to be posted in all unit sections permitting this.

(8) Order that all SHU/Ad-Seg and G.P. recreational book libraries be funded from either the CDCR's budget or from our Inmate Welfare Funds [IWF], and restocked at least once

a year. For example, PBSP's has not been restocked since 2008 and the books are falling apart from so much use. Yet the prison claims there's no funds for it. What is our IWF being spent on then?! Issue a memo to all prisons to be posted in all unit sections ordering this.

(9) Order that more funds be provided for education, either from the CDCR budget or from our IWF, to provide real rehabilitation programs such as college, GED, vocational training, etc., so that all CDCR prisoners, especially indigent ones, can have real opportunities to educate themselves. Moreover, these programs can and will help those who are released from prison to be productive citizens, where they are no longer stuck on the same gear that caused them to go to prison in the first place.

(10) Order that the CCR Title 15, Section 3161, "Inmate-Owned Legal Materials," be revised to comply with the *Prison Legal News (PLN)* Settlement Agreement (as DOM Article 43, Sec. 54030.10.2 does]. At present, the language is so vague and confusing that most CDCR staff purposely use that Title 15 section to mislead prisoners to believe all law books, law periodicals, etc., are to *also* be counted towards the ten (10) book limit – where instead they should be considered "legal materials" and should *only* be counted towards the combined six cubic feet of state-issued and personal items, excluding bedding and appliances. [Id. Sec. 3190(c)], plus one cubic foot of related legal materials of an active case [Id. Sec. 3161]. Until then, issue a memo to all CDCR prisons to be posted in all unit sections reflecting the *PLN* Settlement Agreement at page 4, section (g) [formerly cited as *PLN v. Schwarzenegger*, now cited as *PLN v. Brown*].

(11) Order that the CDCR DOM, DOM Supplements and/or OP be revised to state that, whenever a CDCR prisoner purchases a new appliance, he or she shall be permitted to donate their old personally owned TV or radio appliance to another CDCR prisoner who is indigent – where that used appliance is officially placed on the indigent prisoner's CDCR Form 160-H, "Inmate Property Control Card." This way, prison staff cannot arbitrarily confiscate it on a whim. Until then, issue a memo to all CDCR prisons to be posted in all unit sections permitting this.

(12) Order that the CDCR DOM and CCR Title 15 be revised to increase all D-status prisoners' maximum canteen draw from \$55.00 to \$65.00 per month. Ever since it was raised to \$55.00, the canteen prices have dramatically inflated. Until then, issue a memo to all CDCR prisons to be posted in all unit sections ordering this.

(13) Order that the CDCR DOM, DOM Supplements and/or OP be revised where it states that, all SHU and D-status prisoners shall also be permitted to participate in donating funds to good outside local charity causes via "Charity Food Drives," just like the ones held for General Population [GP] prisoners. Until then, issue a memo to all CDCR prisons to be posted in all unit sections permitting this.

(14) Order that the CCR Title 15, Section 3190 (j)(3), CDCR DOM Article 43, DOM Supplements and OP be revised where it states that, all SHU D-status prisoners shall be allowed to order and possess one clear-cased typewriter [hardwired or manual] under the same security measures that are currently being followed by prison staff for allowing TV, TV-radio combos and radio appliances [Id. Sec 3190(k)-(m)]. Until then, issue a memo to all CDCR-prisons [and all approved vendors] to be posted in all unit sections approving this.

(15) Order that the CCR Title 15, Section 3190 (j)(3), CDCR DOM Article 43, DOM Supplements and OP be revised where it states that, all SHU, D-status prisoners shall be allowed to order and possess a total of *two* (2) approved appliances; for example, one TV and one radio, one TV-radio combo and one typewriter, one TV and one typewriter, or one radio and one typewriter. (All SHU cells are equipped with four (4) electrical outlets.) Until then, issue a memo to all CDCR prisons [and all approved vendors] to be posted in all unit sections allowing this.

(16) Order that the CDCR DOM, DOM Supplemental and/or OP be revised where it states that all CDCR prisoners in Ad-Seg shall be permitted to possess their personally owned TV and/or radio appliance in their cells with or without fire sprinklers. Until then, issue a memo to all CDCR prisons to be posted in all unit sections ordering this. And ordering Prison Maintenance/Plant Operations departments to make sure fire sprinklers are immediately installed in all Ad-Seg cells, including all SHU cells.

(17) Order that the CDCR DOM, Title 15, Section 3117(b) (2), DOM Supplemental and/or OP be revised to where it states that, all GP life-term prisoners shall again be permitted "family overnight visits" with their immediate family members. Right now, in all of the CDCR, only life-term prisoners who have become CDCR's debriefer/snitches are allowed family visits. Until then, issue a memo to all CDCR prisons to be posted in all unit sections permitting this under the prior amended CCR Title 15 regulations.

(18) Order the California Prison Industry Authority [CalPIA] to produce decent quality mattresses. The current 100% cotton *air-filled* ones, which are not densely packed cotton

core mattresses, do not have a way to keep the cotton evenly distributed like the old ones did. And where, after a week of two of sleeping on it, on all-concrete bunks, a new mattress literally turns into a flat lumpy torture mattress, due to cotton shifting and the cotton not being densely packed. Where instead, PIA makes these cotton mattresses just *appear* as ones that are thickly/densely packed. But, in truth, the cotton itself is just puffed up with air – another PIA rip off of taxpayers’ monies! In addition, a prisoner has to literally lift these flat lumpy mattresses from one end in order to pack it down to the other end, in order to make it a little thicker. But, by doing this, the mattress ends up 1-2 feet shorter, leaving our feet on bare concrete because the mattresses have are then too short! Also, with the old ones, a prisoner held onto them for 3-4 years with no problem. But, with these new ones, a prisoner exchanges them every six (6) months – a lot sooner if we were allowed to do so [6-month wait is mandatory]. Which, in turn, means a lot more inferior mattresses have to be produced to keep up with the demand. Where only PIA is literally reaping the benefits at \$60.00 per mattress, while prisoners in solitary confinement are being further tortured with these flat, lumpy, short torture mattresses! Therefore, demand that PIA stop ripping off the taxpayers’ monies, and that they either produce better quality ones, or start producing better quality 4-6 inch densely packed 100% *all-foam* mattresses to immediately replace the present air-filled cotton torture mattresses. That a memo be issued and posted in all CDCR prison unit sections that this was ordered and will be remedied ASAP!

(19) Order the Cal-PIA to also produce boxer shorts with longer inseams to at least 9-inch inseams. The present ones have a very short inseam mode for women prisoners, where male prisoners have no choice but to order them 3-4 sizes bigger and hem them at the waistline just so they can fit correctly. This has been a continual problem for many years now and also needs to be corrected. That memo be issued and posted in all CDCR unit sections that this has been ordered and will be remedied ASAP!

(20) Order that the CDCR DOM, CCR Title 15, Section 3044 (g)(4)(E) and 3190(i), DOM Supplements and OP be revised where it states that all SHU and Ad-Seg, D-status prisoners shall also be allowed to order, in addition to one annual 30-lb. food package, a second annual non-food special-purchase package [i.e., such items like art/hobby supplies, sweatpants/shorts, shoes, thermals, earphones, etc.], just like we used to be allowed to do. Until then, issue a memo to all CDCR prisons to be posted in all unit sections ordering this.

(21) Order that the CDCR DOM Article 43 “Property Matrix” and DOM Supplements all be revised, if they haven’t been already – which states that, all CDCR SHU/Ad-Seg D-status prisoners shall also be allowed to order and possess all the additional following items; (a) no limit on chocolate candy bars; (b) no limit on sugar-free hard candy; (c) all Asian soups; (d) all trail-mix products; (e) all cheeses; (f) all dry jerky meats [i.e., sausage, chorizos; all nuggets and slices of beef, turkey, pork, pepperoni, salami, chicken]; (g) all seasonings; (h) all powdered sugar-free beverage drinks in any kind of containers; (i) all tea and teabags; (j) one 12-foot earphone extension cord; (k) all art/hobby supplies [i.e., color pen fillers, 12-24 packs of pastels/woodless color pencils/watercolors/charcoal sticks, 3 drawing art pads of any thickness, and art erasers]; (l) one sweatpants and one sweat-shorts (2 total), and sweatpants/shorts with “cords” [we are presently allowed to possess shoestrings and our new laundry bags have 9-inch, thick cords already attached, proving that the cords are not a security threat]; (m) all Dickies thermals, tops and bottoms; (n) hair grease; (o) lotion; (p) laundry soap; (q) 6 bars of soap; (r) 1 soap dish; (s) 1 tumbler (16 oz.); (t) 1 food container bowl; (u) zip-lock bags; (v) paper mirrors; (w) 4 pairs of boxer shorts and 4 pairs of T-shirts (gray or white; long sleeve or short sleeve), which will ease cost on CDCR to purchase these for prisoners; (x) earplugs; (y) 1 watch cap (gray or white); (z) 1 pair of wool gloves; (aa) three (3) typewriter ribbons; (bb) six (6) typewriter correction ribbons, and (cc) typewriter paper. All these items need to be added in the CDCR DOM Article 43 Property Matrix and/or a memo sent to all approved vendors or they will not send them when we order our packages. Ad-Seg (and all other D-status prisoners) should also be included for these items because most wait years in Ad-Seg before they are sent to SHU, where Ad-Seg literally becomes a SHU overflow. It should also be noted that ever since the first HS in 2011, CDCR headquarters representatives have come to PBSP and repeatedly stated to us that Article 43 was being revised to add most of these items but, to date, it has just become another broken agreement, because it has not been done. Thus, until it is revised to add all the above, issue a memo to all “approved vendors,” and to all CDCR prisons to be posted in all unit sections approving all these items for all SHU/Ad-Seg and all other D-status prisoners.

(22) Order that the Cal-PIA no longer be allowed to produce or provide any food products to any CDCR prisons. Ever since they began doing so, the overall quality of prison food has dramatically decreased and the costs have dramatically increased. As well as causing prison and local community bakeries and butcher shops across the state – who were a lot cheaper – to close behind PIA forcing the CDCR to buy

from them. Prisoners also working for \$1-4 a day used to produce good fresh quality baked goods. Now it’s pre-baked and shipped from PIA where the goods have either been stale or spoiled. For example, the bread is packed in plastic with industry-manufactured pinholes, causing the bread to spoil. And the lunch meats are now shipped from PIA in sealed pockets filled with nasty-smelling preservatives. We also know for a fact that PIA attempted to force CDCR to buy all dairy products from them in order to supply PBSP – which would have also been more costly – which nearly drove the local dairy supplier Humboldt Creamery in Fortuna, CA out of business. And the only reason PIA failed was because the dairy products would spoil during transport, etc.. The whole sordid story is public record and reported in the local paper, “The Triplicate” [www.triplicate.com]. PIA already produces all other CDCR products from shoes to the very poor quality mattresses. We don’t need or want them to also now control what we eat, period!

(23) Order that all CDCR food-ounce servings be raised two (2) ounces (for example, 3 oz. of eggs raised to 5 oz. of eggs). As well as raising our present two portions of fruit per day to four portions. And, start reissuing us the old real syrup and jelly packets and stop giving us the new unhealthy PIA artificial ones that nobody likes or eats. Thus, raising our overall daily calorie intake with solid non-PIA foods, and not with extra Kool-Aid packets, etc. We are grown men and women, so stop feeding us children’s portions that some fatcats, so-called “nutritionist” sitting in Sacramento decides we should have. Maybe they should be forced to first eat this PIA junk and small food portions for a year, in order to make a correct informed decision. That a memo be issued to all CDCR prisons to be posted in all unit sections ordering this immediately.

(24) Order that the CDCR DOM, CCR Title 15, Section 3220.4 and DOM Supplements be revised where it states that, all *uncut*, R-rated movie/videos shall be permitted to be shown to all CDCR prison populations. At present, we are only allowed up to PG-13 movie/videos. We are not 13-year-old children, nor in juvenile detention centers. Again, we are grown men and women in adult state prisons. Therefore, we should be allowed to watch uncut R-rated movie/videos. Until then, issue a memo to all CDCR prisons to be posted in all unit sections approving this.

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**...we can no longer, complacently, accept the policies and practices that have subjected us, as well as thousands of other prisoners, and loved ones outside these prison walls, to decades of torture....**

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(25) Order that the CDCR DOM and CCR Title 15 be revised to state that all CDCR prisons shall provide – if they have not done so already – their prison populations with the minimum of twenty quality “entertainment channels.” Especially for prisons like PBSP that are so isolated that they can’t even receive one TV channel over the air, not even with a digital antenna. Presently, this prison only receives eight low-quality Charter Cable channels consisting of 3 cable and 5 network channels. Less than all other SHU prisons across the state. And, where there’s constant signal interruptions. Until then, issue a memo to all CDCR prison wardens – especially to PBSP’s Warden Lewis – ordering this, and to be posted in all CDCR unit sections.

(26) Order that all CDCR prisons use the funds are specifically designated for entertainment and recreation purposes from the CDCR budget, and/or from the IWF, to immediately purchase all the necessary equipment, storage sheds and any needed digital antenna towers, etc. These funds should also be used to pay the monthly fees and costs to cable companies to add the above-mentioned minimum twenty channels to all CDCR prisons.

(27) Order that all CDCR prisons use the funds that are specifically designated for exercise equipment purposes from the CDCR budget, and/or from the IWF, to immediately be used to purchase and install all the promised dip and pull-up bars on all SHU/Ad-Seg and Death Row yards.

(28) Order that CDCR prisons use the funds that are specifically designated for exercise equipment purposes from the CDCR budget, and/or from the IWF, to also be used to purchase weight-lifting equipment for all GP yards again, as they once had, so prisoners can have something to look forward to on those GP yards other than dip/pull-up bars, handballs and looking at each other.

(29) Order that all *arbitrary* contraband (“potty”) watches be stopped immediately. Especially order that the PVC tube torture restraints that are currently being used here at PBSP – and maybe at other prisons – as some kind of twisted torture experiment on prisoners that some C/O conceived and made in his garage, be immediately stopped and abolished forever! [See Rock newsletter vol. 1, no. 12, Dec. 2012, at p.4, “Freedom, Justice and Human Rights.”] And that all prisoners that prison staff *reasonably* suspect – not on some whim – have hidden contraband in cavities, first be given the *option* to be X-rayed to prove they have nothing hidden. Because, for the past couple of years, prison staff have “intentionally” not

given that option in order to arbitrarily and systematically use these PVC torture tube restraints to punish and torture prisoners! This is a barbaric and humiliating practice! Also, immediately order that when a prisoner does provide a bowel movement, that it be done in a *closed-room* environment, not in the damn hallways and side corridors leading to and from Visiting or law library, like they do here at PBSP-SHU, where everyone from the outside prison tours, to prisoners being escorted, can see him giving a bowel movement like some farm animal! As they walk by just feet away from him. Not to mention all our food carts that are pushed by them, too! That a memo be issued to all CDCR prisons – especially to PBSP Warden Lewis – to be posted in all unit sections ordering all these human rights violations to be immediately stopped!

(30) Order that Dr. Sayre be immediately removed as Chief Medical Officer (CMO) at PBSP, or at any CDCR prison – if it hasn’t been done yet – and that he *never* hold any position of authority over any prisoner’s health and medical treatment. He is behind countless medical negligence and civil rights complaints going back more than a decade. He is also behind not allowing prisoners the option of getting an X-ray, forcing them to go through the “potty watch” torture-tube-restraints “therapy,” referred to at (29) – claiming it was too costly to give the X-ray option. This is the worst of the worst doctors in all of the CDCR and he must be removed!

(31) Order that all CDCR prison cells that have not been painted (i.e., Corcoran, Folsom, etc., and all Ad-Seg cells, etc.) be painted so the cells are not the present drab, depressing, bare gray concrete cell walls. PBSP-SHU cells have been painted since before it was opened. So all other cells should also be painted with a coat of paint! Order Maintenance and Plant Operations departments to do this ASAP. Issue a memo to be posted in all unit sections reflecting this order.

(32) Order Maintenance and/or Plant Operations departments at PBSP to finally *fix* the original flawed-design ventilation system that we have been complaining about in 602 appeals since the day this prison first opened, where they have repeatedly come around and basically did a whole lot of nothing to it. For example, in SHU, these cells only have out-take vents – no intake vents. The only intake vents are the giant ones above the control booths that sound like a jet engine when turned on, where prison staff and prisoners can’t hear anyone talking to them. Thus, it’s never turned on unless there is smoke or a prisoner got pepper-sprayed multiple times in the cell or section. And, the intake vents that are turned on 24/7, that are *supposed* to suck in any accumulated heat on the second tier, are those right above the top step on the second tiers. However, during the winter months, when this place first opened, and the heaters were turned on, those intake vents proved to be extremely inadequate, where the heat only rose and accumulated on the second tiers – where those prisoners, and even the cops feeding up there – complained of the heat. So, as stated, a whole lot of nothing was done. Where, to date, the heaters are never turned on! And, year round, air barely comes out of the ventilation systems, where we have to ask the Control Tower guard to open the yard door in the mornings prior to yard and when the yard is not being used, just so we can get some fresh air in here – even if it’s ice cold air! Therefore, order PBSP’s Maintenance and/or Plant Operations to *at least* replace the intake ventilation motors with those with a lot higher R.P.M.s, so, when the heaters are ever turned on again, those intake vents can maintain the heat at the proper levels on the second tiers. And, order them to keep the air levels turned up 24/7 where it properly circulates in the units. Especially in those cells that have their fronts covered with Lexan/Plexiglas that become suffocating during the summer months. Issue a memo to PBSP to be posted in all unit sections that reflects the above order.

(33) Order Maintenance and/or Plant Operations at PBSP, and other prisons that have it, to cut one (1) foot off the bottom of the Lexan/Plexiglas coverings on all cells that have them so air can properly be allowed to circulate in those cells [see (32) above]. And, that ‘if’ a prisoner is housed in one of those cells who is not on “Lexan status,” to give those prisoners the *option* of having it removed. [Note: Some prisoners prefer it because it’s a lot more quiet and warmer in the winter months.] Thus, issue a memo to all CDCR prisons to be posted in all unit sections reflecting this order.

(34) Order that the CCR Title 15, Section 3097, “Inmate Restitution Fine and Direct Order Collections,” be revised where the restitution rate is reduced from 55% back to a reasonable level of 33% that a prisoner has to pay on all incoming monies. At present, prisoners are paying 55% of monies their loved ones send them – especially with the lack of prison paying jobs – so, in reality, their *loved ones* are the ones paying the full amount, not the prisoners, so a lot of prisoners no longer ask their loved ones to send them any funds. Thus a lot less additional funds get paid into the Restitution Fund. Until these revisions are done, issue a memo to all prison Trust Account Offices, and to be posted in all unit sections, ordering the restitution rate of all incoming monies be reduced to a total of 33% that a prisoner has to pay on all incoming monies.

(35) Order IGI staff at PBSP, and other prisons, to stop

being so *extremely petty* on everything from screening mail, visiting, and legal visits. Because, it seems like ever since the first 2011 HS – where IGI for the first time felt they lost total control – they have made it their mission in life to use extreme petty tactics to attack all those in SHU, including all their extended families and friends. Where they have now made an art of twisting any mail/ visiting/contraband, etc. rules and regulations until they “find” something to suspend visits, confiscate mail, etc. and/or issue RVRs for things they have never been known to do prior to the 2011 HS. Therefore, issue a memo to all IGI/ISU staff ordering them to stop being so vindictive and petty under the guise of security!

(36) Order that the following revisions be made to the Cal. Code of Regulations [CCR], which would state that, if an *Administrative Rule Violation Report* [ARVR] per CCR Title 15, Sec. 3314 hearing is not held within 30 days of issuing it [Id. Sec. 3320(b)], then no restrictions under Sec. 3314(e) (1)-(10) shall be imposed. And that if a hearing is not held within 60 days of issuing an ARVR, then the ARVR shall be ordered dismissed in its entirety and expunged from the prisoner’s C-file. Because, as it stands right now, even if an ARVR hearing is held six (6) months from issuing it, the hearing officer can still impose the same restrictions as if the hearing was held within 30 days of issuing it. This is not right! And there has to be some kind of accountability on CDCR staff for the countless unjustified delays in hearing ARVRs. Therefore, until it is revised, that a memo be issued to all CDCR prisons to be posted in all unit sections ordering this change.

(37) Order that the following revisions be made to the CCR Title 15, which would state that, if a *Serious Rule Violation Report* [SRVR] per CCR Title 15, Sec. 3315 hearing is not held within 60 days of issuing it, then the restrictions under Sec. 3315(f)(5)(A)-(P) shall not be imposed. And that, if the hearing is not held within 90 days of issuing it, then the SRVR shall be ordered dismissed in its entirety and expunged from the prisoner’s C-file. Because, as it stands right now, even if the hearing for a SRVR is not held within 30 days of issuing it, no good behavior credits can be taken. However, as in the ARVR, if a SRVR hearing is held six (6) months from issuing it, the hearing officer can still impose the same restrictions as if the hearing was held with 30 days of issuing it. This is not right either! And there should also be some kind of accountability for the countless unjustified delays in hearing SRVRs. Therefore, until it is revised, that a memo be issued to all CDCR prisons to be posted in all unit sections ordering this change.

(38) Order that an independent audit/investigation be conducted into the expenditures of the Inmate Welfare Funds [IWF] for the past five (5) years. And, that a copy of that investigation, and an up-to-date itemized list of IWF monthly expenditures be posted in all prison unit sections so we, as prisoners, can have something tangible to see where our monies are actually being spent, and to ensure none of those monies are being diverted to other areas not in the prisoner’s interest or benefit. CDCR prisoners have the right to have this information posted in their sections. The IWF solely belongs to all CDCR prisoners. It was created to reimburse services to prisoners, including their training and education and to underwrite the prison canteens. Prisoners who are taxed for that purpose by the CDCR on purchases and the like, have paid every penny themselves that goes into the IWF. Those monies are *not* court-ordered restitution funds, nor do they belong to CDCR – even though they act like it does. Thus, issue a memo to all prisons to be posted in all unit sections reflecting this order.

(39) Order that all CDCR prisons’ associate wardens conduct monthly meetings with GP, SHU/Ad-Seg and Death Row prisoner representatives [not subject to CCR Title 15, Sections 3230-3232] in order to have open dialogue between prisoners and the prisons’ administrations. And, more importantly, order that every associate warden who conducts these monthly meetings is given the prison warden’s *full authority* at these meetings, to address and grant/deny any grievances/

requests from the prisoner reps right there and then, that can be dealt with at the institutional level -- where she or he is not later overruled by the warden – including, discussions on how our IWF should be spent. Thus, issue a memo to all prisons to be posted in all unit sections ordering this.

(40) Order that during any HS/WS negotiations—if CDCR does not meet the July 08, 2013 deadline—a member of our outside Mediation/Litigation Team and a member of the Press either be physically present and/or present by phone conference.

## CONCLUSION

We are hopeful that Governor Brown, the CDCR, et al, will make the changes required in order to meet our reasonable demands – *prior to July 08, 2013* – because we remain 100% fully committed to resuming our indefinite protest action(s) – to the point of our starvation resulting in serious permanent injury and/or death. To date, three prisoners have sacrificed their lives, and many more have suffered permanent damage, in solidarity with our cause!

We hope more deaths/injuries will not be required – but we are fully committed to our cause, and will accept nothing less than the changes to CDCR policies and practices referenced above.

In addition, be advised that since the 2011 Hunger Strikes, we have read many prison publications [i.e., the Rock and www.sfbayview.com, etc., etc.] where we quickly came to realize that we here in PBSP-SHU were not the only ones who have been tortured with solitary confinement and countless deprivations from the past 10 to 40 years. That, all our fellow men and women prisoners all across California, from all security levels 1 through 4 (where many of theirs have been included within the above demands), and all those across all of these United States, in both federal and state prisons, have suffered similarly to us here, in one form or another. But most have never had a voice or forum to lay their demands out for change. Therefore, we have placed the next two paragraphs here in full solidarity with all our fellow women and male prisoners across the country so they can finally be heard!

Therefore, expect your offices to also soon be receiving separate demands from all other CDCR male and female prisoner representatives from all security levels [1 through 4] on GPs, Ad-Segs, Death Row and from all other CA SHU prisons who will also join us on the July 08, 2013 HS/WS, if their demands are not met by that deadline. Which will be tailored to their own particular institutional needs that are not listed above—which we fully support.

As stated above, we are also offering this forum to all male and female prisoners across the U.S. prison systems (state/federal) as a favor to them in full solidarity, who otherwise will not have a voice, nor probably ever have this unique opportunity again, where, if they also wish to volunteer to join us on a “National Hunger Strike/Work Stoppage,” to peacefully protest solitary confinement and other deprivations and conditions in their own individual state and federal prisons for the past 10 to 40 years, or less, and if they also wish to be heard, we encourage all their prisoner representatives to also formulate their own separate demands tailored for their individual state and federal institutional needs, where they also serve a copy on their state governors, etc. And where they also set the same deadline for those officials to meet their demands, or they will also be starting their HS/WS on July 08, 2013, which we will fully support.

Finally, from today to the July 08, 2013 deadline, and/or during the HS/WS, we are willing to keep ongoing communications open with your Sacramento CDCR Administration, and/or your office, Governor Brown, in order to negotiate all of our demands listed here that can be negotiated. With hopes that we can avoid having to resume our peaceful action(s) – or end it sooner – where we can all come to a reasonable Consent Decree. •

Respectfully Submitted,  
– Todd Ashker, C-58191, PBSP-SHU, D4-121  
– Arturo Castellanos, C-17275, PBSP-SHU, D1-121  
– Sitawa Nantambu Jamaa (Dewberry), C-35671, PBSP-SHU,D1-117  
– Antonio Guillen, P-81948, PBSP-SHU, D2-106  
The PBSP-SHU Short Corridor Representatives

## TO: THE CALIFORNIA STATE LEGISLATURE

Dear California State Legislature:

**B**ecause you have the full authority to amend, repeal and make new state law, We, the PBSP-SHU Short Corridor Representatives, respectfully request on behalf of all CDCR prisoners, male and female, that you please:

1. Amend California Penal Code sections 2600 and 2601, to *restore* the original “Inmate Bill of Rights” that was signed and enacted into law by the present Governor Jerry Brown in 1976. The Bill of Rights, for example, stated that CDCR prisoners, and thus their extended family members, were guaranteed rights to

receive personal visits, subject only to such restrictions as were necessary for the reasonable security of the institution [see former Id. section 2601(d)].

2. Amend California Penal Code, section 2933.6, so that all SHU and Ad. Seg [D-status] CDCR prisoners can *again* earn and receive one-third [1/3] good-behavior credit earning off their sentence for remaining disciplinary free while in SHU or Ad. Seg. Because, as it stands right now, these prisoners receive absolutely *zero* credit for this good behavior, which provides *zero* incentive whatsoever for them to remain disciplinary free while in there. Also, under this current law, one who is validated as either a gang member or associate (which the majority of new and old CDCR prisoners will be labeled as being under the CDCR’s new “Security Threat Group” and “Step-Down Program” proposals, as stated at the beginning of our demands) who has no rule violation reports and remains disciplinary free, who for example has a “release date” [not a life term], those prisoners will be forced to complete their entire prison sentence in the SHU and then be released *straight* from SHU back to the free world pretty angry that he or she did not have their prison sentence reduced for their good behavior. So, we ask you, why should a CDCR prisoner even bother remaining disciplinary free? Especially if he or she will *still* be released at the end of their prison sentence, whether they remain disciplinary free or not? Therefore, amending the “original” law to remove the 1/3 good behavior credit earning so D-status CDCR prisoners can no longer reduce their prison sentence was a grave error. Because, if you look back at the “original” bill and reasons for giving 1/3 credit for good behavior, you will discover that it was given as a “prison security” reason, so that CDCR prisoners will have a reason/incentive to remain disciplinary free, even while on D-status. We SHU Reps are life-term prisoners, so we are asking that this law be re-amended/repealed for all those who do have a release date, and who under CDCR’s new proposals will end up doing their entire sentence in SHU with no incentive to remain disciplinary free while in SHU or in Ad. Seg. Thus, not re-amending/repealing it is in itself a security threat not only for those prisoners and prison staff in SHU/Ad. Seg, but also to society as a whole when these prisoners are released back into the free world.

3. Amend California Penal Code, section 5006, relating to our “Inmate Welfare Fund” [IWF], so that it is used, for example, to purchase all the needed exercise/recreation and entertainment equipment, etc. [see attached demands at orders (26) through (28)]. This way, prisons cannot continue to play delay games with these monies as they have been doing with the monies set aside for that purpose from the CDCR budget. In addition, the IWF *belongs* to all CDCR prisoners. It was created to reimburse services to prisoners, including their training and education and to underwrite the prison canteens. Prisoners who are taxed for that purpose by the CDCR on purchases and the like have paid *every* penny themselves that goes into the IWF. Those monies are *not* court-ordered restitution funds, nor do they belong to CDCR—even though they act like it does. Again, the IWF belongs to all CDCR prisoners so the prisoners and their prisoner-representatives in *every* CDCR prison [GP, Ad. Seg/SHU, etc.] should also have a say how it should be spent at the institutional level. Therefore, when the issue is over *our* IWF, the legislature should write and pass bills that are written in clear plain language on issues like the ones we CDCR prisoners are requesting here so that *our* monies can be spent on our immediate needs and benefit. And so CDCR officials cannot continue to twist vague language into something else, like they have been doing for decades now.

and

4. Amend California Penal Code section 2085.5, where the “restitution fines” that CDCR prisoners have to pay into the Restitution Funds be reduced to a reasonable level from 55% to 33% that a prisoner has to pay on all *incoming* monies. we request this of the legislature for the simple fact that CDCR no longer provides enough prison paying jobs. Where prisoners themselves used to pay 100% of their restitution, now, instead, their loved ones—*not* the prisoners—are the ones paying the 100% price whenever they send in any monies to their imprisoned love ones. All these loved ones are also free citizens, tax-payers and voters.

Thank you very much for considering our requests. •

Respectfully submitted,

Todd Ashker, C-58191

Sitawa Nantambu Jamaa (Dewberry), C-35671

Arturo Castellanos, C-17275

Antonio Guillen, P-81948

The PBSP-SHU-Prisoner

Short-Corridor-Representatives



By Fernando Bermudez

# PRIVATE PRISON CORPORATIONS ARE SLAVE TRADERS

By Glen Ford, Black Agenda Report, 4-24-12

“The Corrections Corporation of America believes the economic crisis has created an historic opportunity to become the landlord, as well as the manager, of a big chunk of the American prison gulag.”

The nation's largest private prison company, the Corrections Corporation of America, is on a buying spree. With a war chest of \$250 million, the corporation, which is listed on the New York Stock Exchange, this month sent letters to 48 states, offering to buy their prisons outright. To ensure their profitability, the corporation insists that it be guaranteed that the prisons be kept at least 90 percent full. Plus, the corporate jailers demand a 20-year management contract, on top of the profits they expect to extract by spending less money per prisoner.

For the last two years, the number of inmates held in state prisons has declined slightly, largely because the states are short on money. Crime, of course, has declined dramatically in the last 20 years, but that has never dampened the states' appetites for warehousing ever more Black and brown bodies, and the federal prison system is still growing. However, the Corrections Corporation of America believes the economic crisis has created an historic opportunity to become the landlord, as well as the manager, of a big chunk of the American prison gulag.

**...if the world's largest police state shrinks, so does the corporate bottom line. ... At the Corrections Corporation of America, human freedom is a dirty word.**

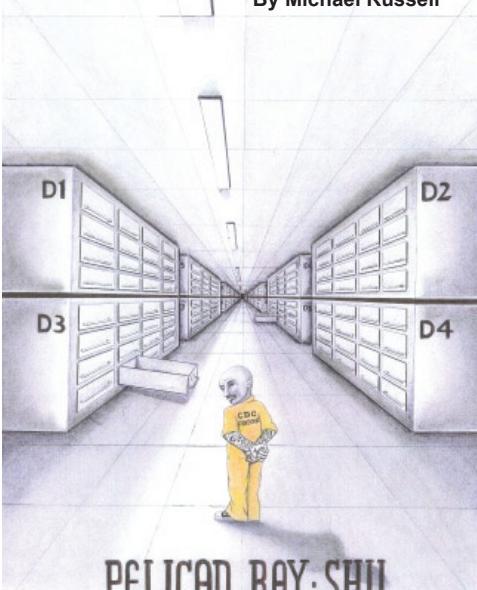
The attempted prison grab is also defensive in nature. If private companies can gain both ownership and management of enough prisons, they can set the prices without open-bid competition for prison services, creating a guaranteed cost plus monopoly like that which exists between the Pentagon and the military-industrial complex.

“If private companies are allowed to own the deeds to prisons, they are a big step closer to owning the people inside them.”

But, for a better analogy, we must go back to the American slave system, a thoroughly capitalist enterprise that reduced human beings to units of labor and sale. The Corrections Corporation of America's filings with the U.S. Securities and Exchange Commission read very much like the documents of a slave-trader. Investors are warned that profits would go down if the demand for prisoners declines. That is, if the world's largest police state shrinks, so does the corporate bottom line. Dangers to profitability include “relaxation of enforcement efforts, leniency in conviction or parole standards and sentencing practices or through the decriminalization of certain activities that are currently proscribed by our criminal laws.” The corporation spells it out: “any changes with respect to drugs and controlled substances or illegal immigration could affect the number of persons arrested, convicted, and sentenced, thereby potentially reducing demand for correctional facilities to house them.” At the Corrections Corporation of America, human freedom is a dirty word.

But, there is something even more horrifying than the moral turpitude of the prison capitalists. If private companies are allowed to own the deeds to prisons, they are a big step closer to owning the people inside them. Many of the same politicians that created the system of mass Black incarceration over the past 40 years, would gladly hand over to private parties all responsibility for the human rights of inmates. The question of inmates' rights is hardly raised in the debate over prison privatization. This is a dialogue steeped in slavery and racial oppression. Just as the old slave markets were abolished, so must the Black American Gulag be dismantled – with no compensation to those who traffic in human beings. •

By Michael Russell



PELICAN BAY SHU

# THE PRISON INDUSTRY IN THE UNITED STATES: BIG BUSINESS OR A NEW FORM OF SLAVERY?

By Vicky Pelaez, Global Research

**H**uman rights organizations, as well as political and social ones, are condemning what they are calling a new form of inhumane exploitation in the United States, where they say a prison population of up to 2 million - mostly Black and Hispanic - are working for various industries for a pittance. For the tycoons who have invested in the prison industry, it has been like finding a pot of gold. They don't have to worry about strikes or paying unemployment insurance, vacations or comp time. All of their workers are full-time, and never arrive late or are absent because of family problems; moreover, if they don't like the pay of 25 cents an hour and refuse to work, they are locked up in isolation cells.

There are approximately 2 million inmates in state, federal and private prisons throughout the country. According to California Prison Focus, “no other society in human history has imprisoned so many of its own citizens.” The figures show that the United States has locked up more people than any other country: a half million more than China, which has a population five times greater than the U.S. Statistics reveal that the United States holds 25% of the world's prison population, but only 5% of the world's people. From less than 300,000 inmates in 1972, the jail population grew to 2 million by the year 2000. In 1990 it was one million. Ten years ago there were only five private prisons in the country, with a population of 2,000 inmates; now, there are 100, with 62,000 inmates. It is expected that by the coming decade, the number will hit 360,000, according to reports.

What has happened over the last 10 years? Why are there so many prisoners?

“The private contracting of prisoners for work fosters incentives to lock people up. Prisons depend on this income. Corporate stockholders who make money off prisoners' work lobby for longer sentences, in order to expand their workforce. The system feeds itself,” says a study by the Progressive Labor Party, which accuses the prison industry of being “an imitation of Nazi Germany with respect to forced slave labor and concentration camps.”

The prison industry complex is one of the fastest-growing industries in the United States and its investors are on Wall Street. “This multimillion-dollar industry has its own trade exhibitions, conventions, websites, and mail-order/Internet catalogs. It also has direct advertising campaigns, architecture companies, construction companies, investment houses on Wall Street, plumbing supply companies, food supply companies, armed security, and padded cells in a large variety of colors.”

According to the Left Business Observer, the federal prison industry produces 100% of all military helmets, ammunition belts, bullet-proof vests, ID tags, shirts, pants, tents, bags, and canteens. Along with war supplies, prison workers supply 98% of the entire market for equipment assembly services; 93% of paints and paintbrushes; 92% of stove assembly; 46% of body armor; 36% of home appliances; 30% of headphones/microphones/speakers; and 21% of office furniture. Airplane parts, medical supplies, and much more: prisoners are even raising seeing-eye dogs for blind people.

## CRIME GOES DOWN, JAIL POPULATION GOES UP

According to reports by human rights organizations, these are the factors that increase the profit potential for those who invest in the prison industry complex:

- Jailing persons convicted of non-violent crimes, and long prison sentences for possession of microscopic quantities of illegal drugs. Federal law stipulates five years' imprisonment without possibility of parole for possession of 5 grams of crack or 3.5 ounces of heroin, and 10 years for possession of less than 2 ounces of rock-cocaine or crack. A sentence of 5 years for cocaine powder requires possession of 500 grams - 100 times more than the quantity of rock cocaine for the same sentence. Most of those who use cocaine powder are white, middle-class or rich people, while mostly Blacks and Latinos use rock cocaine. In Texas, a person may be sentenced for up to two years' imprisonment for possessing 4 ounces of marijuana. Here in New York, the 1973 Nelson Rockefeller anti-drug law provides for a mandatory prison sentence of 15 years to life for possession of 4 ounces of any illegal drug.
- The passage in 13 states of the “three strikes” laws (life in prison after being convicted of three felonies), made it necessary to build 20 new federal prisons. One of the most disturbing cases resulting from this measure was that of a prisoner who for stealing a car and two bicycles received three 25-year sentences.
- Longer sentences.
- The passage of laws that require minimum sentencing, without regard for circumstances.
- A large expansion of work by prisoners creating profits that motivate the incarceration of more people for lon-

ger periods of time.

- More punishment of prisoners, so as to lengthen their sentences.

## HISTORY OF PRISON LABOR IN THE UNITED STATES

Prison labor has its roots in slavery. After the 1861-1865 Civil War, a system of “hiring out prisoners” was introduced in order to continue the slavery tradition. Freed slaves were charged with not carrying out their sharecropping commitments (cultivating someone else's land in exchange for part of the harvest) or petty thievery - which were almost never proven - and were then “hired out” for cotton picking, working in mines and building railroads. From 1870 until 1910 in the state of Georgia, 88% of hired-out convicts were Black. In Alabama, 93% of “hired-out” miners were Black. In Mississippi, a huge prison farm similar to the old slave plantations replaced the system of hiring out convicts. The notorious Parchman plantation existed until 1972.

During the post-Civil War period, Jim Crow racial segregation laws were imposed on every state, with legal segregation in schools, housing, marriages and many other aspects of daily life. “Today, a new set of markedly racist laws is imposing slave labor and sweatshops on the criminal justice system, now known as the prison industry complex,” comments the Left Business Observer.

Who is investing? At least 37 states have legalized the contracting of prison labor by private corporations that mount their operations inside state prisons. The list of such companies contains the cream of U.S. corporate society: IBM, Boeing, Motorola, Microsoft, AT&T, Wireless, Texas Instrument, Dell, Compaq, Honeywell, Hewlett-Packard, Nortel, Lucent Technologies, 3Com, Intel, Northern Telecom, TWA, Nordstrom's, Revlon, Macy's, Pierre Cardin, Target Stores, and many more. All of these businesses are excited about the economic boom generation by prison labor. Just between 1980 and 1994, profits went up from \$392 million to \$1.31 billion. Inmates in state penitentiaries generally receive the minimum wage for their work, but not all; in Colorado, they get about \$2 per hour, well under the minimum. And in privately-run prisons, they receive as little as 17 cents per hour for a maximum of six hours a day, the equivalent of \$20 per month. The highest-paying private prison is CCA in Tennessee, where prisoners receive 50 cents per hour for what they call “highly skilled positions.” At those rates, it is no surprise that inmates find the pay in federal prisons to be very generous. There, they can earn \$1.25 an hour and work eight hours a day, and sometimes overtime. They can send home \$200-\$300 per month.

Thanks to prison labor, the United States is once again an attractive location for investment in work that was designed for Third World labor markets. A company that operated a maquiladora (assembly plant in Mexico near the border) closed down its operations there and relocated to San Quentin State Prison in California. In Texas, a factory fired its 150 workers and contracted the services of prisoner-workers from the private Lockhart Texas prison, where circuit boards are assembled for companies like IBM and Compaq.

[Former] Oregon State Representative Kevin Mannix recently urged Nike to cut its production in Indonesia and bring it to his state, telling the shoe manufacturer that “there won't be any transportation costs; we're offering you competitive prison labor (here).”

## PRIVATE PRISONS

The prison privatization boom began in the 1980s, under the governments of Ronald Reagan and Bush Sr., but reached its height in 1990 under William Clinton, when Wall Street stocks were selling like hotcakes. Clinton's program for cutting the federal workforce resulted in the Justice Departments contracting of private prison corporations for the incarceration of undocumented workers and high-security inmates.

Private prisons are the biggest business in the prison industry complex. About 18 corporations guard 10,000 prisoners in 27 states. The two largest are Correctional Corporation of America (CCA) and Wackenhut, which together control 75%. Private prisons receive a guaranteed amount of money for each prisoner, independent of what it costs to maintain each one. According to Russell Boraas, a private prison administrator in Virginia, “the secret to low operating costs is having a minimal number of guards for the maximum number of prisoners.” The CCA has an ultra-modern prison in Lawrenceville, Virginia, where five guards on dayshift and two at night watch over 750 prisoners. In these prisons, inmates may get their sentences reduced for “good behavior,” but for any infraction, they get 30 days added - which means more profits for CCA. According to a study of New Mexico prisons, it was found that CCA inmates lost “good behavior time” at a rate eight times higher than those in state prisons.

## IMPORTING AND EXPORTING INMATES

Profits are so good that now there is a new business: importing inmates with long sentences, meaning the worst criminals. When a federal judge ruled that overcrowding in Texas prisons was cruel and unusual punishment, the CCA signed contracts with sheriffs in poor counties to build and

run new jails and share the profits. According to a December 1998 Atlantic Monthly magazine article, this program was backed by investors from Merrill-Lynch, Shearson-Lehman, American Express and Allstate, and the operation was scattered all over rural Texas. That state's governor, Ann Richards, followed the example of Mario Cuomo in New York and built so many state prisons that the market became flooded, cutting into private prison profits.

After a law signed by Clinton in 1996 - ending court supervision and decisions - caused overcrowding and violent, unsafe conditions in federal prisons, private prison corporations in Texas began to contact other states whose prisons were overcrowded, offering "rent-a-cell" services in the CCA prisons located in small towns in Texas. The commission for a rent-a-cell salesman is \$2.50 to \$5.50 per day per bed. The county gets \$1.50 for each prisoner.

#### STATISTICS

Ninety-seven percent of 125,000 federal inmates have been convicted of non-violent crimes. It is believed that more than half of the 623,000 inmates in municipal or county jails are innocent of the crimes they are accused of. Of these, the majority are awaiting trial. Two-thirds of the one million state prisoners have committed non-violent offenses. Sixteen percent of the country's 2 million prisoners suffer from mental illness. •

### VIEWPOINTS: DON'T BUILD MORE JAILS – FIX INMATE RECIDIVISM

In polls and with their votes, Californians are sending a strong message that they are ready for the state to move in a new direction when it comes to public safety.

With realignment, local law enforcement has an unrivaled opportunity to lead us in this new direction, but the jury is still out on whether local officials will take up this challenge by adopting strategies that will make neighborhoods safer while maximizing scarce resources.

It's been more than a year since the state – prompted by a major corrections crisis and a directive from the U.S. Supreme Court to reduce prison overcrowding – instituted realignment. In doing so, the state finally acknowledged that simply putting more people in prison was not the answer to its public safety woes. In fact, the Legislature recognized that California must reduce prison overcrowding and invest its limited resources to support programs and practices proven to keep people safe.

The state also gave local law enforcement and county officials the power to solve a problem that has plagued California for decades – how to keep our communities safe by stopping the revolving door of recidivism. Unfortunately, so far, many counties seem to be choosing to replicate the decisions that left the state's criminal justice system broken in the first place.

Today, more than half of California's counties are investing funding they received from the state to build or expand their local jails. Only a few are making real investments in proven crime-fighting strategies, such as re-entry centers, supervised pretrial release, rehabilitation and alternatives to incarceration – evidence-based practices that would lessen jail overcrowding and increase safety for California communities.

If this continues, not only will cash-strapped counties have to deal with the severe long-term financial consequences of a jail-building boom, but the window of opportunity that local law enforcement and county leaders now have to fix a long-broken system will close. Counties and the state must act before it is too late.

We know that county law enforcement officials were given the difficult task of managing a huge influx of people convicted of nonviolent, non-serious, non-sex-related offenses. They are absolutely right in their goal to put public safety first while reducing their jail overcrowding dilemma, but building and staffing expensive new jails is not the solution.

More than 70 percent of jail inmates are currently pretrial detainees – people who have yet to be convicted but are simply too poor to post bail while awaiting their trial date. Counties can alleviate jail overcrowding by using proven evidence-based practices to assess which inmates pose a risk to public safety. They can implement strategies to supervise out of custody those who don't, at less cost, while much-needed jail space can be reserved for serious offenders. Risk-assessment tools, alternatives to incarceration and community-based programs can be used at each stage of the criminal justice process.

Counties also are tasked with dealing with California's recidivism rate, one of the highest in the nation, and local law enforcement must ensure that the state's revolving prison door problem does not become a county jail problem. A job is one of the best tools for reducing recidivism, and one solution is for the state and local officials to join forces to create multi-county re-entry facilities, again at less cost. Inmates nearing the end of their sentences can be trained and eased back into society, and given the job and life skills they need when they leave jail.

In addition to fresh ideas, moving in this new direction also will require new collaborations between seemingly unlikely allies. That's why our two organizations – California's correctional peace officers association and a civil rights foundation long focused on criminal justice reform – are co-funding an effort to create a centralized data source that provides detailed crime, sentencing and incarceration information for California's 58 counties.

The resulting interactive map, developed by the Center for Juvenile and Criminal Justice, can be used by state policy makers, county agencies, practitioners, criminal justice stakeholders, researchers and the general public to evaluate sentencing policies and practices across the state.

Citizens are clear that they are ready to turn the page on the state's failed approach to public safety. They want a prison and justice system that costs less and works more effectively. It is up to county officials and local leaders to lead us in a new direction. Our communities deserve nothing less. •

*The Sacramento Bee*  
[Mike Jimenez is state president of the California Correctional Peace Officers Association. Timothy Silard is president of the Rosenberg Foundation.]

### WHAT IT MEANS – WHAT IT DOESN'T

By Mumia Abu-Jamal [1/20/13]

For the second time in American history, a Black man takes the office of U.S. President – a feat not thought possible just a few years ago.

The re-election of Barack Hussein Obama to the nation's highest office is indeed a watershed moment and a tribute to a man who is a true master of the game of politics.

Few politicians could've prevailed against the headwinds bearing down upon him – a mobilized and highly motivated opposition, the monetary windfall of campaign riches made possible by the Supreme Court's Citizen's United ruling, and the candidacy of an exceedingly wealthy and utterly ruthless opponent 'Mitt' Romney.

Despite occasional setbacks, few politicians, Black or white, have had careers so blessed.

But the conditions of Black Americans could hardly be called blessed. By all the measurements by which we rank life, Blacks rank at the bottom, where life is a nightmare.

Health, education, employment, life expectancy, mortality, incarceration – you name it – the figures betray a life at the margins; lives at the bottom.

Moreover, it is unrealistic to expect any change for the better in 4 years – no matter who is president – nor what color he or she is.

That's the facts.

It is a great and remarkable symbol that a Black person is elected – and re-elected – to the presidency.

It is a dazzling spectacle.

Yet, it remains a spectacle.

The lives of everyday Black folk are just as grim as they were 4 years ago. They still must seek a way out of the prison-on-keep that is America.

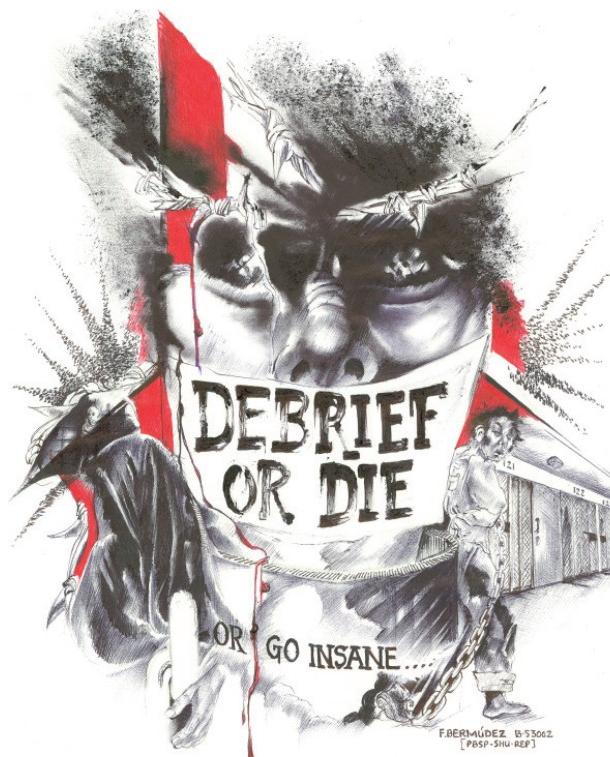
A new, dark-skinned warden doesn't change that.

Education will still be a dizzying maze for millions of children, who leave school bitter, and uneducated.

The police are a repressive presence all day long, making life unbearable.

And behind it all stands what legal scholar Michelle Alexander calls "The New Jim Crow" (also the title of her book), a system of oppressive containment on a scale that the world has never seen.

A one day celebration; and four more years of hell. •



By Fernando Bermudez



Artist Unknown

### FORMER TAMMS PRISONERS TAKE ACTION

By Stephanie Tyrpak & Jared Roberts

Inmates moved out of the Tamms Correctional Center are taking a stand against conditions at their new location. Prisoners transferred to Pontiac in late December are now on a hunger strike. The Department of Corrections confirms 47 inmates at Pontiac have declared a hunger strike, and staff are checking on the health of those prisoners.

Some groups say the men are striking to protest the way they're being treated. Others believe it may just be the shock of moving from a small, specialized facility to a large, older prison. "They are ex-Tamms prisoners being treated worse than everybody else at Pontiac," said Prison Rights Coordinator Brian Nelson with the Uptown People's Law Center.

Staff at the Uptown People's Law Center in Chicago have received letter after letter from inmates about conditions at Pontiac Correctional Center. Those complaints include a lack of air circulation, no cleaning of the cells, and the sharing of nail clippers. "The issue there is several of the men have Hepatitis C," said Nelson. "Others have HIV and communicable diseases." Former supermax inmates, used to the rewards for good behavior, are also finding that they can longer have a TV or radio. "Some of the guys are saying it's worse here than in Tamms," said Nelson. "At least in Tamms we could earn things."

Earlier this week, those inmates began a hunger strike. It's an action that the law center says could lead to punishment. "They don't take these decisions lightly," said Legal Director Alan Mills with the Uptown People's Law Center. "They are well aware of the risks." The Illinois Department of Corrections said in a statement Tuesday that they are taking steps to ensure inmate health, and the warden is interviewing each offender.

Former DOC Chief of Operations, Rick Bard, isn't surprised by the hunger strike. "They moved to a place that doesn't have climate control," said Bard. "It was built many, many years ago and was not a modern facility like Tamms." The supermax facility was under a close watch for human rights violations. Bard believes the department took extra care in dealing with inmates. Tamms was also a much smaller prison. "They would have seen much more attention as far as the staff to inmate ratio," said Bard. Now, those inmates are in a large facility. They are also mixed in with prisoners that haven't had the same access to incentives found in the supermax program. "That's where the administration is going to have to make some tough decisions on how they want to deal with that," said Bard. The Department of Corrections says it is strongly committed to a safe and healthy environment.

Officials with Law Center say they believe these inmates have a right to protest, and they hope the department and prisoners will work to address the concerns. •

[Alan Mills, Legal Director of the Uptown People's Law Center in Chicago, suggests that those who want to support the hunger striking prisoners should call or write to the Illinois Governor, Pat Quinn:

Office of the Governor  
207 State House  
Springfield, IL 62706  
Phone: 217-782-0244]

[from <http://www.wsiltv.com/news/local/Former-Tamms-Inmates-on-Hunger-Strike-189919361.html>]

#### Tamms Update

The hunger strike declared by prisoners who were transferred from Illinois's Tamms Supermax prison to Pontiac has spread. Five days in, there are now between 40 and 50 prisoners who have joined the strike. While the strike started among those prisoners from Tamms who were being singled out for harsh treatment, there are now others throughout Pontiac who have joined in sympathy. (2-8-13)

## The Money

Welcome to another edition of the quarterly *Prison Focus*, this one very late and abbreviated due to a shortage of money. There was only one issue last year, which came out in the spring of 2012. Not only is this edition late, it is also only half the size of our two previous issues.

In addition to being the editor of *Prison Focus*, I am also the publisher of a small monthly newsletter named *Rock*, which is now in its second year of publication. The reader base for that newsletter is primarily Security Housing Unit (SHU) prisoners in California. These broke-ass SHU prisoners have completely paid for the cost of producing and mailing every issue of *Rock*. They have adopted *Rock* as something that is in their interests and meets their informational needs. You general population prisoners need to get your act together and start understanding that *Prison Focus* is the scaffolding around which your struggle for justice will be built. You will need to materially support this publication. By that I mean you contribute money to CPF; you sell \$6 subscriptions to your peers, and you ask your friends and family to kick down a donation of stamps or money. This is not a game we're playing. It's time to put on your big girl panties and get ready to rock—it's time to get real.

Let me give you a little background for those of you who are new to the world of prisoner activism. I'm a 71 year old state-raised ex-convict who spent a little over 35 years behind bars. I started at the Utah State Industrial School for Boys at the age of 13. I became politicized in the late 1960s and early 1970s while confined in the federal prisons at McNeil Island and Leavenworth. Since that time I've continuously worked on behalf of prisoners from both inside and out, from organizing the Washington State Prisoners' Labor Union, being part of a group that bombed the headquarters of the Department of Corrections in support of prisoner demands, and starting publications such as *Prison Legal News*. I've been an editor of *Prison Focus* for around a dozen years.

I don't do this work because it gives me ego gratification; I do it because, as a victim of injustice, I have a strong sense of right and wrong. And I believe that holding human beings in cages and keeping them disenfranchised from the political process, in a condition of dependency and irresponsibility, is flat out wrong. I believe that through the process of peaceful political struggle we all will become better and more conscious human beings. Yeah, I'm a communist.

## The Struggle

Yesterday I received a letter from a SHU prisoner who rightly pointed out, "if we of all colors unite and stand our ground, we as a whole can force a transformation...." The hard part is to "stand our ground." It takes patience. If I have learned anything in my years of prison organizing, both from within and from the outside, it is that things take longer than expected—the process of change is slower than anticipated. This should be accounted for by increasing levels of patience. The struggle from slavery to freedom does not come in one fell swoop, but slowly, with one step back for every two steps forward. Yet ultimately prisoners will prevail—even when it looks as if it is two steps back for every step forward. The course of history and the cause of justice are on the side of prisoners.

Thomas Jefferson, one of the nation's most respected founding fathers said, "By a declaration of rights, I mean one which shall stipulate freedom of religion, freedom of the press, freedom of commerce against monopolies, trial by juries in all cases, no suspensions of the habeas corpus, no standing armies. These are fetters against doing evil which no honest government should decline." Today freedom of the press means freedom only for those who own the presses, like mega media giant Rupert Murdoch. I'm not sure what "freedom of commerce against monopolies" means, but I do know that today almost all commerce is controlled by monopolies. Trial by juries in all cases is long gone, with preventative detention and the extra-judicial killing of even American citizens; so too is the right to trial for those subject to the White House death squads. *Habeas corpus* is all but dead. The writ has been watered down so badly by Congress and then given the death knell by presidential authority—holding people, even American citizens, without access to the courts or *habeas* relief. No standing armies? We have oceans on both sides of us, a natural defense. With an armed population no invader could long hold out against a nation whose people were intent on defending. With our standing armies we've become schoolyard bullies who use violence to steal the lunch money from the weak and impoverished nations around the globe.

Noam Chomsky recently wrote that the U.S. Constitution, affirms that "the writ of habeas corpus shall not be suspended" except in case of rebellion or invasion. In 1961, the U.S. Supreme Court held that the rights guaranteed by this Act were "(c)onsidered by the Founders as the highest safeguard of liberty." More specifically, the Constitution provides that no "person (shall) be deprived of life, liberty or property, without due process of law (and) a speedy and public trial" by peers.

He went on to say, "The Department of Justice has recently explained that these guarantees are satisfied by internal deliberations in the executive branch, as Jo Becker and Scott



Note: The views expressed in these comments are the opinions of the writer, and do not necessarily reflect the views of California Prison Focus or its members.

Shane reported in The *New York Times* on May 29. Barack Obama, the constitutional lawyer in the White House, agreed. King John would have nodded with satisfaction.

"The underlying principle of 'presumption of innocence' has also been given an original interpretation. In the calculus of the president's "kill list" of terrorists, 'all military-age males in a strike zone' are in effect counted as combatants 'unless there is explicit intelligence posthumously proving them innocent,' Becker and Shane summarized. Thus post-assassination determination of innocence now suffices to maintain the sacred principle."

One of my favorite musicians was Frank Zappa. He said, "The illusion of freedom will continue as long as it's profitable to continue the illusion. At the point where the illusion becomes too expensive to maintain, they will just take down the scenery, they will pull back the curtains, they will move the tables and chairs out of the way and you will see the brick wall at the back of the theater." He was talking about the illusion of democracy being tossed aside as soon as the need for the iron fist emerged. That time is now. The alternative is to sit and wait for things to get even worse. Worse than the government administratively detaining and assassinating American citizens?

Such dictatorial procedures were not used in WW I or WW II, the Korean War, Vietnam War, etc., so why implement them when a small sect of far right Muslims flew two aircraft into the Twin Towers and killed just under 3,000 people (less than died at Pearl Harbor). Under the Constitution only Congress has the power to declare war. Not the president. The "war" on terror is a farce, a lie, used to cover the militarization of the globe, including space itself. These perpetual wars make a few people very rich, and entertain those who like to play "the grand game," but for the rest of us poor and working people these wars only serve to make our lives more dangerous and stressful.

The anti-Iraq War movement mobilized between nine and eleven million people around the globe, and protest marches numbering in the hundreds of thousands in major U.S. cities. But for reasons no one has ever adequately explained to me, today these same people are lucky to raise a hundred anti-war protesters (at least in Seattle). I have my own opinions as to why that might be. One being that protest organizers would have "marshals" patrolling the flanks of the march so as to insure that no militancy took place. Why if someone had litigated the contents a dumpster on file the news of it would have reached millions of people, or else it might have embarrassed the respectable left. They are the loyal opposition. They led us to our knees. Who would be dumb enough to follow us now? Not anyone with a brain.

Just look back to the early workers struggling to create unions here in the U.S., they were militant. The Battle of Blair Mountain in Virginia was one, where miners went up against coal company machine guns to free their comrades from custody. Except for the Civil War, that battle was the largest fight between Americans in U.S. history. Oh, but wait, they don't teach you that kind of stuff in school. One of the things anti-war leaders lacked was any sense of immediacy, or to put it another way, militancy. For the most part prisoners do not have many answers for us, but what they do have is that sense of immediacy—they know first-hand the feel of the government's iron fist. •

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## QUOTE BOX

"The notion that a radical is one who hates his country is naïve and usually idiotic. He is, more likely, one who likes his country more than the rest of us, and is thus more disturbed than the rest of us when he sees it debauched. He is not a bad citizen turning to crime; he is a good citizen driven to despair." - H. L. Mencken

"Overgrown military establishments are under any form of government inauspicious to liberty, and are to be regarded as particularly hostile to republican liberty." - George Washington

"The spirit of this country is totally adverse to a large military force." - Thomas Jefferson

"The military caste did not originate as a party of patriots, but as a party of bandits" - Henry Louis Mencken

People crushed by laws, have no hope but to evade power. If the laws are their enemies, they will be enemies to the law; and those who have much to hope and nothing to lose will always be dangerous."

- Edmund Burke

"When bad men combine, the good must associate; else they will fall, one by one, an unpitied sacrifice in a contemptible struggle." - George Berkeley

"An unconscious people, an indoctrinated people, a people fed only partisan information and opinion that confirm their own bias, a people made morbidly obese in mind and spirit by the junk food of propaganda, is less inclined to put up a fight, ask questions and be skeptical. That kind of orthodoxy can kill a democracy - or worse." - Bill Moyers

"... in America, we have achieved the Orwellian prediction - enslaved, the people have been programmed to love their bondage and are left to clutch only mirage-like images of freedom, its fables and fictions. The new slaves are linked together by vast electronic chains of television that imprison not their bodies but their minds. Their desires are programmed, their tastes manipulated, their values set for them." - Gerry Spence, From Freedom to Slavery.

"The conscious and intelligent manipulation of the organized habits and opinions of the masses is an important element in democratic society. Those who manipulate this unseen mechanism of society constitute an invisible government which is the true ruling power of our country . . . we're dominated by the relatively small number of persons . . . it is they who pull the wires which control the public mind, who harness old social forces and contrive new ways to bind and guide the world." Edward Bernays - *Propaganda*, Liveright Publishing Company, New York, 2005, excerpts from pp. 9-19

"Sit down before fact as a little child, be prepared to give up every preconceived notion, follow humbly wherever and whatever abysses nature leads, or you will learn nothing." - Thomas Henry Huxley (1825-1895)

"Often times to win us to harm  
The instruments of darkness tell us truths  
Win us with honest trifles  
To betray us in deepest consequences."  
-Macbeth, Act 1, scene 3

"It is not the consciousness of men that determines their existence, but their social existence that determines their consciousness." - Karl Marx

"A small body of determined spirits fired by an unquenchable faith in their mission can alter the course of history." - Mahatma Gandhi

"Nothing strengthens authority so much as silence." Leonardo da Vinci

"Where is the justice of political power if it executes the murderer and jails the plunderer, and then itself marches upon neighboring lands, killing thousands and pillaging the very hills?" - Kahlil Gibran - 1883 - April 10, 1931

"A new fascism promises security from the terror of crime. All that is required is that we take away the criminals' rights—which, of course, are our own. Out of our desperation and fear we begin to feel a sense of security from the new totalitarian state." - Gerry Spence, lawyer and author, source: *Give Me Liberty*, 1998

# CORCORAN REPORT - A CALIFORNIA PRISON FOCUS REPORT - JANUARY 2013

By Ron Ahnen

This report is based on dozens of letters received from prisoners at Corcoran State Prison in the last six months and interviews with 13 SHU prisoners in October of 2012. As with previous reports, California Prison Focus does not use names or initials to identify prisoners.

## The basic themes of the report are:

1. the strong support among prisoners of all races for the End of Hostilities Agreement that entered into force on October 10, 2012;
2. the continued questionable practices regarding gang investigations, validation and subsequent SHU placement;
3. the torturous and inhumane conditions of SHU in general;
4. the recent changes in yard policy that restrict the amount of time prisoners spend outside of their cell well below the minimum 10 hours per week set out in Title 15; and
5. the blatant failures and unacceptability of the new Security Threat Group Policy, including the step down program.

## 1. End of Hostilities Agreement

All prisoners from Corcoran with whom CPF has communicated have responded positively to the End of Hostilities Agreement. Several reported that the agreement is "holding" at Corcoran. Many prisoners noted that without unity, prisoners are not going to be successful in pressing their demands. Indeed, one prisoner who is listed as "other" in terms of race (not white, African-American or Hispanic) noted that he participated in the hunger strike and encouraged others to do so even though his "race" is not as directly affected by the gang validation and indeterminate SHU policies. Another prisoner noted that while the agreement is good, he is frustrated with the slow rate of progress. According to another prisoner, staff is fearing the agreement and starting to take precautionary measures.

## 2. Gang Validations

Several of the same problems that have been mentioned in previous Corcoran reports continue to surface. One prisoner noted the use of his name in a list of names was used as evidence against him even though laundry lists are not to be considered legitimate evidence of gang affiliation. Two prisoners noted that part of the evidence used against them was material by George Jackson. One prisoner noted, "How is it that I ordered the book, the prison handed me the book, and then is using the book now to validate me as being involved in gang activity?" The other prisoner noted that his interest in the writings of George Jackson per se and the history of black resistance does not constitute "gang activity." Another prisoner was validated based on a letter, a postcard, and information from a confidential informant—the contents of which he is unable to see or question.

One prisoner noted how he was able to challenge his gang validation successfully in court, and when the OCS tried to "revalidate" in one day (the process usually takes weeks or months), the same judge threw out that validation as well.

Another prisoner was validated as a Nazi Low Rider even though he is half-Jewish and on a religious diet. He said, "How crazy is that?" He also noted that while he "isn't running with the gang bangers" he also won't debrief. Two prisoners noted that they do not even bother to attend the gang review hearings because they know the outcome has already been pre-decided and it doesn't do any good. One prisoner noted that he thought he would be able to make statements on his behalf challenging the validation finding, but during his hearing, he was not allowed to speak and was told to 602 anything he didn't agree with.

One prisoner noted that the gang validation system is clearly being abused (see "the real story" below), and that if the legislature knew how the State of California was really being soaked by the guards' union, they would move to end it. He was not against anyone being validated as a gang member, but stressed the need for much stricter criteria and monitoring of the system to prevent the current widespread abuses. According to one prisoner who said he is not a gang member and never was, the BGF is a defunct organization with no ties to the groups on the streets. The only reason one gets validated for being a BGF is because one is African-American and it's the only gang they have in the prison for them.

Another prisoner noted that he was "ambushed" by the gang investigator. He was pulled out of his cell after guards lied to him, telling him he had a legal visit, but was instead taken to the investigator's office where he was put under intense pressure to debrief. He noted specifically that investigators wanted him to lie in his debriefing.

*Suicide.* The pressure to debrief by gang investigators is intense. One prisoner told us that IGIs try to get to prisoners through their families, and in the case of one prisoner, Armando Morales, the consequences proved fatal—he committed suicide after being shown a picture of his girlfriend. They had found her on the streets and arrested her. The authorities

were trying to show their power by demonstrating they could compromise anyone—even his girlfriend. Instead of debriefing, Morales committed suicide. Another prisoner also told of a suicide, but he did not know the name of the individual and it is unclear if he was also referring to Morales.

*The Real Story.* One prisoner noted that many academics and activist groups have been writing about solitary confinement lately (which is great), but the real story of indeterminate SHU is still missing. This prisoner is convinced that at least 80% of indeterminate SHU inmates are neither associates nor members of gangs. So why does CDCR falsely validate so many prisoners as gang members or associates?

Part of the answer lies in the fact that those who stand up for and defend their rights as well as the rights of their fellow prisoners are the first ones to be validated as gang affiliates. One prisoner, for example, noted that he heard how one of the doctors who was working for CDCR had been reprimanded by the California Medical Board. He thought he would look into it. After writing to the Medical Board to find out why the doctor was reprimanded, he was validated. The guards even warned him that if he kept sticking his nose into the matter, he would face consequences. CPF has confirmed that the doctor in question, Dr. Robles, is currently on probation for negligent decisions in 2006 and 2007 involving four patients while working at Kaiser. This example confirms a trend of using loose gang validation criteria as a means to punish prisoners who are simply trying to protect their rights.

Another part of the answer is the amount of work it creates. He noted that to get to his "dog cage" for yard, one or two guards get him at his cell and walk him about 50 yards through a corridor where he is handed off to another guard. He is then walked another 50 yards or so and is handed off to another guard. This type of fire-brigade process repeats itself so that by the time he has gone to yard and back, he has been handed off among 16 different guards!

## 3. Conditions of Corcoran SHU

Many of the prisoners at Corcoran have been to Pelican Bay and some have spent significant periods of time (10 years+) there. While the windows at the Corcoran cells and the "dog cages" (6' x 9' cyclone-fenced) on the yard allow for a less intensely solitary experience and a greater level of interaction among prisoners during yard time, the conditions are still inhumane and constitute psychological and physical torture.

*Psychological impact.* Many prisoners noted the strong psychological impact of long term solitary confinement such as depression, inability to socialize, lethargy, etc. One prisoner said he wakes up with the thought "I'm still in this damn box." He noted that being in SHU brings on a sense of gloom over one's life. He said, "Is this justice? I'm a non-violent individual. My crimes are not violent. Yet I don't see any light at the end of the tunnel."

Another prisoner mentioned the mental torture one suffers because you never know what might happen to you. He said he was set up by the guards to get stabbed by another prisoner while he was at Pelican Bay. The stabbing was supposedly in retaliation for a staff assault.

*Medical Care.* Several prisoners noted that they were worried about the medical system being handed back over to the state from the Federal Receivership. One prisoner noted, for example, that he had a swollen gum, but the dentist refused to treat him. After a few days it got worse, and a staff member—finally disgusted with the level of infection—walked him directly over to see the dentist without an appointment and without going through the normal bureaucracy. He then did receive treatment.

*Family Visits.* Several prisoners noted that their indeterminate SHU status had compromised their family visits. One prisoner said, "I'm not going to allow my people to come all the way from Oakland just for a one hour visit behind glass." Another said that his father came to visit, but was denied when he had not filled out the forms properly. After trying to clear up the matter, his father was still not allowed. His father later died of cancer and he did not get a chance to say good-bye to him because of being in SHU. Likewise, another prisoner was denied visiting by his mother and she also died after she had fallen ill but before he was able to say good-bye.

*Law Library.* In order to deal with reduced staff, officials do not bring prisoners to the law library, but instead ask them which cases they need to read and deliver them to their cells. One prisoner noted that such a system is a de facto denial of his legal rights since he does not know which cases could be related to his unless he does a search through the law library's system. Other prisoners also noted much more limited access to the law library supposedly due to staff reductions.

*No programming.* Several prisoners complained about the fact that no programming is allowed in the SHU. The hunger strike apparently was able to get the CDCR to change their policy about not providing exam proctors for those prisoners who were paying for their own correspondence courses. This change does not affect those prisoners who cannot afford programming for themselves. Prisoners said that there should be programming available in SHU for everyone—not only for determinate sentences and lifers, but also for Life

Without Parole. One lifer noted that his SHU sentence is keeping him from being considered for parole even though he is otherwise eligible.

## 4. Yard Policy Changes

Corcoran State Prison has gone through several changes in yard policy in the past month and CPF notes that the yard policy may have already changed again as of this writing. CDCR policy as set out in Title 15 § 3343(h) calls for a minimum of three times per week for not less than 10 hours per week.

The policy has changed at Corcoran twice in one month. Prior to September 2012, prisoners received about 9-10 hours a week. The regimen was then changed to fewer times per week and more time. Thus, prisoners are being let out between 3 to 5 hours at a time, but only once or twice a week. One prisoner reported receiving yard time only once or twice a month. In addition, prisoners said that the guards will come up with any reason to cancel yard including especially claims of being understaffed that day or guards having to attend mandatory meetings which do not allow them to run yard.

The newest and most controversial change in yard policy is that no prisoner with a cellmate will be allowed to go to yard if his cellmate does not also go. This was instituted on October 17. All prisoners we spoke with disapproved of this new yard policy. The Warden instituted the policy on October 17 in response to threats from prisoners to carry out a protest in which they refuse to double cell with anyone. While some prisoners noted the protest would only be valid in refusing new arrivals, others said they could refuse cellmates as they come back from shower or yard. One prisoner noted that the yard policy was illegal, and has already 602'd it. He also noted that since Corcoran has a higher percentage of older and sicker SHU prisoners, the chances that someone would miss yard due to health reasons was high. The upshot of the policy, he contended, would be to create more tension in the SHU and increase the chances of violence.

## 5. Security Threat Group Policy and Step Down Program

Prisoners are in agreement that the biggest problems of the new security threat group policy are CDCR's continued reliance on confidential informants (which produces inaccurate information), and reliance on innocuous behavior or materials that do not constitute "gang activity" to validate prisoners as gang affiliates. Their opinions reflect those of other prisoners at Pelican Bay and other prisons.

The use of confidential informants provides ample room for corruption. One prisoner reported being encouraged to lie about the "gang activities" of other prisoners in exchange for being let out of SHU. CPF notes that, in essence, this "underground" policy of pushing prisoners to "turn state's evidence" at risk to their person and to members of the families in order to be released from SHU constitutes the most common notion of torture.

Another prisoner noted that the four year time frame to "step down" from gang affiliation was way too long and the rewards (a phone call after a year, a deck of cards and increased canteen purchases after two years) were laughable. One prisoner said that although he never was a gang member, he will not participate in the step down program because he has no confidence in CDCR policies. Another said of the step down program "I'll believe it when I see it."

Officials told prisoners they would begin by reviewing the 25 individuals who have been in SHU since before 1980 for immediate consideration to the step down program, and would get that done by the end of 2012. Yet, officials also noted that they would begin reviewing other prisoners starting with gang associates [who do not automatically receive an indeterminate SHU term under the new policy] and it would take at least three years to get to prisoners validated as gang members. One prisoner noted that guards told him off the record that no gang members would be released through the new policy.

## Recommendations

Briefly, the recommendations from this report address two areas: the local yard issue, and the five core demands from the hunger strike. CPF strongly urges Corcoran State Prison to halt immediately its policy of denying yard time to a prisoner unless his cellmate also agrees to go. Second, CPF again urges CDCR administrative officials to implement the five core demands of the prisoners, especially altering the new Security Threat Group Management Policy in the following ways. First, gang (or security threat group) validation truly must be based on behavior only and not on the possession of associative items to which the prisoners have a right, such as writings by George Jackson, tattoos, etc. Second, security threat group validations must not be based on non-contestable yet highly questionable evidence from secret informants. Finally, the step down program must be shorter (maximum of 24 months) and include greater incentives throughout the process. •

[Ron Ahnen is the president of California Prison Focus]

# RALLYING TO END WOMEN'S PRISON CRISIS IN CALIFORNIA

By Angela Y. Davis and Wendy Click Jan. 24, 2013

Just a couple of weeks ago, Gov. Jerry Brown declared California's prison crisis over and demanded an end to federal oversight of the state prison system.

This declaration was especially troubling given that it coincided with reports of severe overcrowding at Central California Women's Facility (CCWF), which is filled to twice its capacity, and news that the Valley State Prison for Women (VSPW), just across the road, would be closed as a women's prison and then filled with men.

Furthermore, the California Department of Corrections and Rehabilitation (CDCR) plans to open a new facility for women at the notorious Folsom Prison.

Despite threats of retaliation, more than 1,000 prisoners inside CCWF and VSPW sent declarations demanding that VSPW not be converted to a men's facility, that it be shut down and that thousands of women who sit needlessly in horrendous conditions in places like CCWF be released.

Those of us working to end the prison crisis, and those of us who have lived inside these prisons, can tell countless stories of ongoing suffering: up to eight people living in cells that were built for four, or even two; lack of basic hygiene; the spread of infections; and failure to address preventable illnesses leading to health disasters.

One of us knew a woman who suffered from a severe stomachache for more than six months and when she was finally seen by a doctor was given only Pepto-Bismol. Ultimately, she was diagnosed with stage IV stomach cancer and died shortly thereafter.



The effects of poor health conditions and crowding are especially difficult for elderly prisoners, and the widespread use of lockdowns are contributing to mental health problems, including suicide. Access to jobs, programs and legal resources are largely unavailable. People living inside these prisons, along with their advocates on the outside, have noted that these unimaginable conditions and the state's decision to continue to crowd women and transgendered people into these prisons constitute clear violations of human and civil rights.

In 2006, then Gov. Arnold Schwarzenegger announced that 4,500 people in women's prisons could be released. Five years later, the prison administration said that 4,000 prisoners -- female, pregnant or primary caregivers with less than two years of their sentences left -- were eligible to serve the rest of their time in residential homes, residential substance-abuse treatment programs or transitional facilities. However, since this Alternative Custody Program went into effect, only a few hundred people have been released. Why does such suffering continue?

One reason given by the prison administration is that there is a lack of services and programs at the local level that would support their release. Yet while the state offers huge financial incentives for counties to build new jails, it offers nothing to expand housing and health care programs that are underfunded in most communities, and it opens a new facility for women at Folsom Prison. What are we left to assume? That even though the prison administration has said that thousands of women could safely be sent home, there is a priority on keeping them locked up and on expanding the number of cages for them. What does this say about how we view the lives of these overwhelmingly poor women and transgendered people of color?

We are joining thousands of prisoners and families when we declare it is past time to bring our loved ones home. It is past time to stop the prison and jail expansion that has devastated our communities. It is past time to stop the criminalizing of our families, friends and neighbors. It is time to end policies like Three Strikes that leave many to needlessly die of old age in cages. It is time to institute and expand parole for sick and elderly people. It is time to widen alternatives to imprisonment. Thousands of people in women's prisons can be freed right now. Money saved by reducing the prison population could provide drug treatment, re-entry services, mental health support and job programs.

On Saturday, people from throughout the state will get on buses and travel to Chowchilla to stand in solidarity with the 3,900 women and transgendered prisoners who are being crammed into space designed for 2,000, who against all

odds have spoken out against the terrible conditions of their confinement.

We will join them in demanding no more cells, no new women's facilities, no new men's facilities. We are calling this a Freedom Rally because we are fighting for the dignity and humanity of our loved ones. We are fighting to bring them -- as well as their families -- home to communities that are safe, sustainable and strong. •

[Angela Y. Davis is a political activist, author and distinguished professor emerita at University of California at Santa Cruz. Wendy Click is a former inmate at Valley State Prison for Women.]

<http://www.fresnobee.com/2013/01/24/3147163/davis-and-click-rallying-to-end.html>



## FROM A WOMAN IN CIW, CORONA, SHU

Hello, my name is [name withheld], and I am incarcerated in CIW [Calif. Institution for Women]. I have been placed in SHU for last 2 years and only been complaining of these things, of insufficient heating, ventilation, hot water for showers, and the plumbing. They have been short of staff due to cut backs, therefore when it is our turn to shower between 2PM and 8 PM, they have announced over loud speakers "No Hot Water! Boiler is Broken!"-- all the time. Nonetheless showers are unsanitary and with mildew, mold, clogged drains, leaking pipes, rotting sewer lines. No one cleans them. I've placed a CDCR 22 with "Sgt" and "Lt." and yet heard from neither of them on these critical elements. It's so cold in here that staff wears their coats and gloves in SPHU [Special Protection Housing Unit].

I was told by one c/o that it's 50 degrees in here. So it's 10 degrees colder in our cells. We're locked in 23 hours, stagnant the rest of our time. I'm quite aware that prison shouldn't be a comfortable place for inmates but cruel and unusual punishment is inhumane. Our vents are shut off and full of thick bacteria dust, along with, in between our cell units is this foul smell of feces of mice.

I've requested for them to fix these things and have been told by "Sgt." that our two heaters are broken. I was told it takes 2 weeks to fix them?? The cost of all things to be fixed and staff to be housed to work, are an issue, as I hear it from all staff, correctional officers, psychologist and nurses.

In spite of all of these things, they've violated our 8<sup>th</sup> and 14<sup>th</sup> Amendment rights. We need to be protected and treated with respect, and not hushed under a rug or covered up. •



## FROM CHOWCHILLA

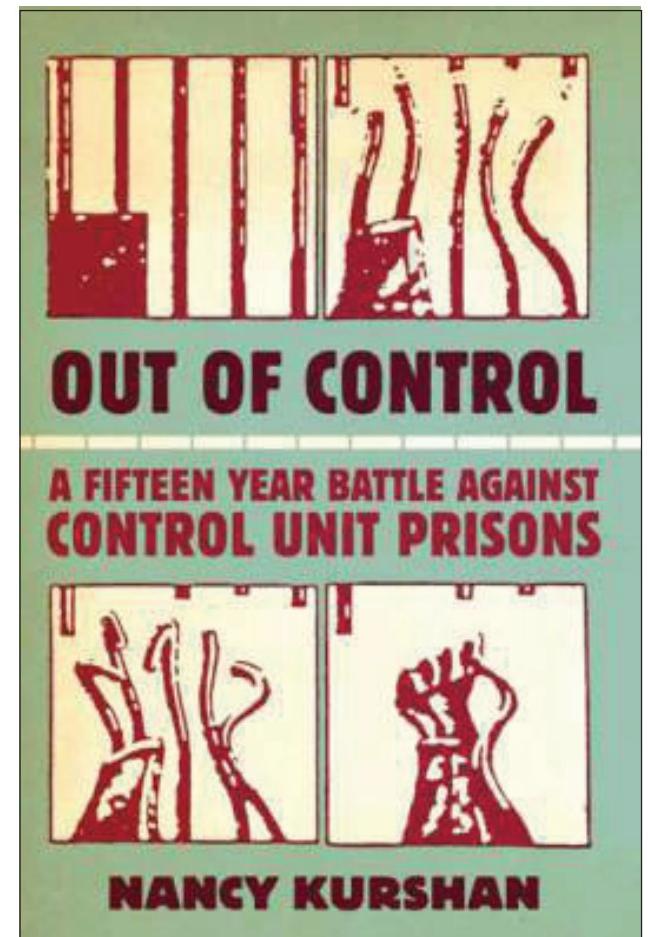
With respect, this letter is for the Rock newsletter on behalf of the women who are in support and stand in solidarity for all of us women and loved ones housed in California's corrupted warehouses. We women wish to let the collective reps know that we are in support and have acknowledged the call to end all hostilities and are working on our list of demands to be presented for the upcoming July 8th date. Also we have completed a list of grievances we will be filing 602s against.

Women prisons are run completely different from the men's prisons, yet we still are subjected to the same tactics used to gain control those who are interested in constructive change. We strongly encourage all to show support for July 8th HS/WS. We women who are solid need to stand together. Now is our chance to make a change.

I personally want to let all 16 collective reps that your information has been helpful and to thank you for also including us in your struggles to force CDCR to change its inhuman perpetual prisoner machine. •

*In solidarity,  
Diane Mirabal, A/K/A Spider-Sanj*

**Photos:** Left column, demonstrators park their cars near the entrance to the women's prison at Chowchilla. Top, middle column, demonstrators march to prison. Lower middle column, people gather in front of the prison to protest in support of women prisoners. Photo taker(s) unknown. Photos provided by Bato.



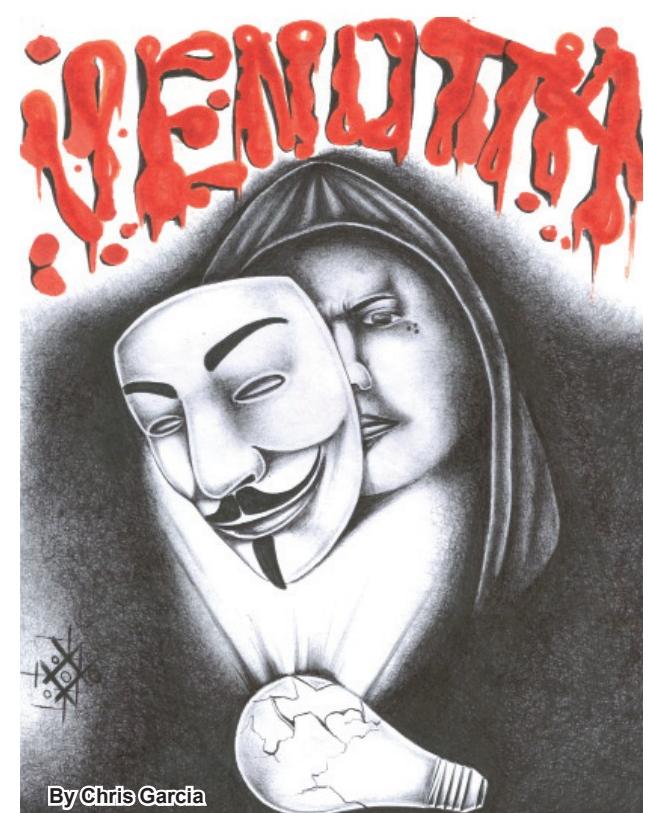
## Out of Control is now Available

The Freedom Archives is happy to announce the arrival of *Out of Control: A Fifteen Year Battle Against Control Unit Prisons* by Nancy Kurshan. This important book documents the decade and a half struggle of the Committee to End the Marion Lockdown in challenging the barbaric practices at Marion Federal Prison in Illinois, opposing the proliferation of control unit prisons across U.S. and illuminating the racist and inhumane nature of U.S. incarceration. Additionally, a special version of this book can also be found on the internet. While the internet version is shorter and more concise, it provides direct links to documents, pamphlets, audio and video segments as well as other materials created by and related to the Committee to End the Marion Lockdown. We have shared the link to access the internet book and will continue to add media to supplement the narrative. We are really excited about this book, the historical context it provides and the interactivity of the online version.

Freedom Archives 522 Valencia Street San Francisco, CA 94110. [http://www.freedomarchives.org/Out\\_of\\_Control/01\\_introduction.html](http://www.freedomarchives.org/Out_of_Control/01_introduction.html)

## CDCR Telephone Directory

A copy of the February 2008 Official CDCR Telephone Directory, provided by Mr. David Shary, CDCR Public Records Act Coordinator in Sacramento is available in Adobe Acrobat (.pdf) format at: <http://www.prisonTalk.com/forums/showthread.php?t=517898>. You will have to register or create an account to view the document. Further information about the directory or other public records available from the CDCR may be obtained by contacting Mr. Shary at (916) 650-6727, or via email at DShary@cdcr.ca.gov or PRAAdmins@cdcr.ca.gov.



By Chris Garcia

# PRISON FOCUS

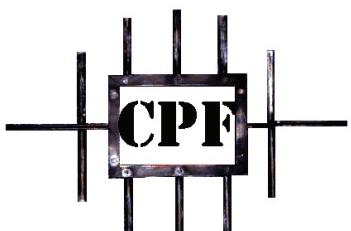
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## CPF GOALS

1. End all human rights abuses against prisoners.
2. End the use of long-term isolation.
3. Close the Security Housing Units.
4. Educate the public that SHU prisoners are torture survivors.
5. Improve medical care and living conditions for prisoners living with HIV, hepatitis C and other life-threatening diseases.
6. Help gain compassionate release for prisoners with serious illnesses and physical disabilities.
7. Stop all discrimination against LGBT prisoners.
8. Abolish the prison system as we know it.



## Subscribe if you like this

We sent this issue as a gift to some people who have not subscribed, in hopes you will like it and become a subscriber. How to subscribe: If you're not in SHU, send us \$6 or 13 stamps. If in SHU, drop us a note saying "please give me a free SHU subscription to Prison Focus." Please, if you can, also send a donation (even a few stamps helps).

## SOME GUIDELINES FOR CONTRIBUTIONS TO PRISON FOCUS

### Some suggestions for submissions:

- Artwork or graphics
- Letters (250 words) Let us know if you want us to use your name or we will only publish your initials and city & state of residence. You can also specify "anonymous."
- Short Articles (250-500 words) The same identification guidelines apply. Topics can be issue specific, or current news or information.
- Helpful resources with address and pertinent information.
- Larger articles are accepted but be aware-our space is limited.

Topics: *Prison Focus* topic of issue; current news; recent or pending legislation or policy; news from your institution; organizing efforts; books—basically anything related to the prison industrial complex as you see it. Individual legal cases are not usually printed.

Sorry, we cannot return your submissions unless a prior arrangement is made. Submissions are not guaranteed to be published and we generally cannot respond to your submissions because of the volume of mail we receive. *Prison Focus* welcomes all submissions (they will not be returned).

## CPF'S MISSION STATEMENT

California Prison Focus fights to abolish the California prison system as we know it. We investigate and expose human rights abuses with the goal of ending long-term isolation, medical neglect, and all forms of discrimination. We are community activists, prisoners, and their family members working to inspire the public to demand change.

## BECOME A VOLUNTEER

CPF depends on volunteers to do our invaluable work. We need your help answering mail, working on our newsletter, staffing our office, fund raising, and outreach. Check our website for more information.

## PRISON FOCUS #40

The topic for *Prison Focus* #40 is the ramifications and status of the "End of Hostilities" document and related developments. Please send us your articles and artwork. The due date for submissions for the next issue is June 1, 2013. If you have ideas for issue #41 send them in to us as well.

## ABOUT CPF

California Prison Focus is a non-profit community-based human rights organization working with and for California prisoners. Our two main issue areas are fighting against the long term isolation, torture and abuse of Security Housing Units (SHU) and demanding an end to the medical neglect and abuse of prisoners with HIV, hepatitis C and other life-threatening diseases. The focus of our work is our investigative trips to prisons with SHU facilities and/or medical units. We make at least one visit per month. We work to build strong bridges between the prisoners and the community, and to bring forth the voice of the prisoners through our newsletter, *Prison Focus*, and our ongoing educational outreach and community forums. Central to our work is training ourselves, prisoners and their loved ones in self-advocacy through public protest, networking, coalition building, letter writing and contacting prison officials and policy makers.

Founded in 1991 (as Pelican Bay Information Project), we have made hundreds of prison visits and conducted thousands of interviews with prisoners. Our membership is comprised of prisoners, activists, family members of prisoners, former prisoners, law students, attorneys, and human rights advocates.